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Report of the International Court of Justice

1 August 2006-31 July 2007

General Assembly
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Sixty-second Session
Supplement No. 4 (A/62/4)

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Note

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I. SUMMARY

1. The International Court of Justice, principal judicial organ of the United Nations, consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years one third of the seats fall vacant. The last elections to fill such vacancies were held on 7 November 2005.

2. On 6 February 2006 the Court, in its new composition, elected Judge Rosalyn Higgins (United Kingdom) as its President and Judge Awn Shawkat Al-Khasawneh (Jordan) as its Vice-President for a term of three years. As from that date, the composition of the Court is consequently as follows: President: Rosalyn Higgins (United Kingdom); Vice-President: Awn Shawkat Al-Khasawneh (Jordan); Judges: Raymond Ranjeva (Madagascar), Shi Jiuyong (China), Abdul G. Koroma (Sierra Leone), Gonzalo Parra-Aranguren (Venezuela), Thomas Buergenthal (United States of America), Hisashi Owada (Japan), Bruno Simma (Germany), Peter Tomka (Slovakia), Ronny Abraham (France), Kenneth Keith (New Zealand), Bernardo Sepúlveda-Amor (Mexico), Mohamed Bennouna (Morocco) and Leonid Skotnikov (Russian Federation).

3. The Registrar of the Court, re-elected on 8 February 2007 for a term of seven years commencing 10 February 2007, is Mr. Philippe Couvreur; the Deputy-Registrar, re-elected on 19 February 2001, also for a term of seven years, is Mr. Jean-Jacques Arnaldez.

4. The number of judges ad hoc chosen by States parties during the period under review was 25, with these functions being carried out by 19 individuals (the same person is on occasion appointed to sit as judge ad hoc in more than one different case).

5. As the Assembly will be aware, the International Court of Justice is the only international court of a universal character with general jurisdiction. That jurisdiction is twofold.

6. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty. In this respect, it should be noted that, as at 31 July 2007, 192 States were parties to the Statute of the Court and that 65 of them had deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute. Further, some 300 bilateral or multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. States may also submit a specific dispute to the Court by way of special agreement. Finally, a State, when submitting a dispute to the Court, may propose to found the Court's jurisdiction upon a consent yet to be given or manifested by the State against which the application is made, citing Article 38, paragraph 5, of the Rules of Court. If the latter State then accepts such jurisdiction, the Court has jurisdiction and this produces the situation known as forum prorogatum.

7. Secondly, the Court may also be consulted, on any legal question, by the General Assembly or the Security Council, and, on legal questions arising within the scope of their activities, by other organs of the United Nations and specialized agencies having been so authorized by the General Assembly.

8. It should be noted that the Court, which celebrated its sixtieth anniversary last year, has in the last decade been busier than ever before. While it has handed down no fewer than 92 judgments and 40 orders in respect of the indication of provisional measures since its founding in 1946, some one-third of those judgments (30) and nearly one-half of those orders (18) were rendered in the last ten years. The reaffirmed confidence

which the international community has placed in the Court provides good reason to believe that the Court will remain very busy in years to come.

9. Over the past year, the number of cases pending before the Court has remained high. The Court handed down two judgments and one order on a request for the indication of provisional measures. Another judgment is imminent. It further held hearings in the following four cases: Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo) (preliminary objections); Pulp Mills on the River Uruguay (Argentina v. Uruguay) (provisional measures); Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (merits); and Territorial and Maritime Dispute (Nicaragua v. Colombia) (preliminary objections). At 31 July 2007 the number of cases on the docket stood at 12[1].

10. The contentious cases come from all over the world: currently three are between European States, four others between Latin American States, two between African States, one between Asian States, whilst two are of an intercontinental character. This regional diversity illustrates the Court's universality.

11. The subject-matter of these cases is extremely varied. As well as "classic" territorial and maritime delimitation disputes and disputes relating to the treatment of nationals by other States, the Court is seized of cases concerning more "cutting-edge" issues, such as allegations of massive human rights violations, including genocide, or the management of shared natural resources.

12. Cases referred to the Court are growing in factual and legal complexity. In addition, they frequently involve a number of phases as a result of respondents' preliminary objections to jurisdiction or admissibility and of requests for the indication of provisional measures, which have to be dealt with as a matter of urgency.

13. During the period under review the Court issued its decision, on 23 January 2007, on a request for the indication of provisional measures submitted by Uruguay in the case concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) on the ground that, since 20 November 2006, organized groups of Argentine citizens had blockaded "a vital international bridge over the Uruguay River", that this action was causing Uruguay enormous economic damage and that Argentina had taken no steps to put an end to the blockade. Uruguay asked the Court to order Argentina to take "all reasonable and appropriate steps . . . to prevent or end the interruption of transit between Uruguay and Argentina, including the blockading of bridges and roads between the two States"; to "abstain from any measure that might aggravate, extend or make more difficult the settlement of this dispute"; and finally to abstain "from any other measure that might prejudice the rights of Uruguay in dispute before the Court". In its Order the Court found that "the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures".

14. Soon after, on 26 February 2007 the Court handed down its Judgment in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and

[1] The Court delivered its Judgment in the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) in December 2005. The case nevertheless technically remains pending, in the sense that the Parties could again turn to the Court to decide the question of reparation if they are unable to agree on this point. Consent by France, in accordance with Article 38, paragraph 5, of the Rules of Court, to the Court's jurisdiction to entertain the Application filed by Rwanda could result in increasing the number of pending cases to 13.

Herzegovina v. Serbia and Montenegro),[2] the first legal case in which allegations of genocide had been made by one State against another. The Court had already found it had jurisdiction in the case in a previous judgment on preliminary objections. The current case was thus on the merits. However, the Respondent addressed the Court on renewed issues of jurisdiction arising out of its admission as a new Member of the United Nations in 2001. The Court affirmed that it had jurisdiction on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide.

15. The Court made extensive findings of fact as to whether alleged atrocities occurred and, if so, whether they could be characterized as genocide. After determining that massive killings and other atrocities were perpetrated during the conflict throughout the territory of Bosnia and Herzegovina, the Court found that these acts were not accompanied by the specific intent that defines the crime of genocide, namely the intent to destroy, in whole or in part, the protected group. The Court did, however, find that the killings in Srebrenica in July 1995 were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina in that area and that what happened there was indeed genocide. The Court found that there was concordant and corroborated evidence which indicated that the decision to kill the adult male population of the Muslim community in Srebrenica was taken by some members of the VRS (Army of the Republika Srpska) Main Staff. The evidence before the Court however did not prove that the acts of the VRS could be attributed to the Respondent under the rules of international law of State responsibility.

16. Nonetheless, the Court found that Serbia had violated its obligation contained in Article 1 of the Genocide Convention to prevent the Srebrenica genocide. The Court observed that this obligation required States that are aware, or should normally have been aware, of the serious danger that acts of genocide would be committed, to employ all means reasonably available to them to prevent genocide, within the limits permitted by international law. The Court further held that the Respondent had violated its obligation to punish the

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[2] By letter of 7 June 2006, the Office of Legal Affairs of the United Nations informed the Court that the Permanent Representative of Serbia and Montenegro to the United Nations in New York had requested on 3 June 2006 that the name "Serbia" be used as the official name of the Republic of Serbia within the United Nations. The Office of Legal Affairs also transmitted to the Court a copy of a letter dated 3 June 2006 whereby the President of the Republic of Serbia informed the Secretary-General of the United Nations that, following the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, "the membership of the state union Serbia and Montenegro in the United Nations, including all organs and organizations of the United Nations system, [would be] continued by the Republic of Serbia on the basis of Article 60 of the Constitutional Charter of Serbia and Montenegro".

On 21 June 2006, the Office of Legal Affairs transmitted to the Court a letter dated 16 June 2006 whereby the Minister for Foreign Affairs of the Republic of Serbia informed the Secretary-General, inter alia, that "[t]he Republic of Serbia continue[d] to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro" and requested that "the Republic of Serbia be considered a party to all international agreements in force, instead of Serbia and Montenegro". Furthermore, on 28 June 2006, by its resolution 60/264, the General Assembly admitted the Republic of Montenegro as a new Member of the United Nations.

On 19 July 2006, the Office of Legal Affairs transmitted to the Court a letter dated 30 June 2006 addressed to the Secretary-General by the Minister for Foreign Affairs of the Republic of Serbia under cover of a Note Verbale of 3 July 2006 from the Permanent Mission of the Republic of Serbia to the United Nations. By his letter, the Minister confirmed the intention of the Republic of Serbia to continue to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro, with effect from 3 June 2006; he specified that all declarations, reservations and notifications made by Serbia and Montenegro would therefore continue in force with respect to the Republic of Serbia, unless the Secretary-General, as depositary, were notified otherwise.

In its Judgment of 26 February 2007 in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) the Court, noting that Montenegro had acceded to independence on 3 June 2006, first turned its attention to identifying the respondent party. After considering the views of Bosnia and Herzegovina, the Republic of Serbia and the Republic of Montenegro, it concluded that the Republic of Serbia was at the date of the Judgment the only Respondent. It did however point out that any responsibility for past events determined in its Judgment involved at the relevant time the State of Serbia and Montenegro.

perpetrators of genocide, including by failing to co-operate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) with respect to the handing over for trial of General Ratko Mladić. This failure constituted a violation of the Respondent's duties under Article VI of the Genocide Convention.

17. In respect of Bosnia and Herzegovina's request for reparation, the Court found that, since it had not been shown that the genocide at Srebrenica would in fact have been averted if Serbia had attempted to prevent it, financial compensation for the failure to prevent the genocide at Srebrenica was not the appropriate form of reparation. The Court considered that the most appropriate form of satisfaction would be a declaration in the operative clause of the Judgment that Serbia had failed to comply with the obligation to prevent the crime of genocide. As for the obligation to punish acts of genocide, the Court found that a declaration in the operative clause that Serbia had violated its obligations under the Convention and that it must transfer individuals accused of genocide to the ICTY and must co-operate fully with the Tribunal would constitute appropriate satisfaction.

18. On 24 May 2007 the Court handed down its Judgment on the admissibility of the Application of the Republic of Guinea in the case concerning Ahmadou Sadio Diallo between it and the Democratic Republic of the Congo (DRC). This case raised important issues relating to diplomatic protection. The Court examined whether Guinea had met the requirements for the exercise of diplomatic protection under customary international law in terms of three categories of rights: Mr. Diallo's individual personal rights, his direct rights as associé in two companies, Africom-Zaire and Africontainers-Zaire, and the rights of those companies, by "substitution". The Court found that with regard to Mr. Diallo's rights that Guinea could seek to protect those rights because it was undisputed that Mr. Diallo's sole nationality was that of Guinea. As regards the protection of Mr. Diallo's direct rights as associé in the two Congolese companies, after examining Congolese company law which defined those direct rights, the International Court found that Guinea had standing to protect Mr. Diallo's direct rights as associé of the two companies.

19. The complicated aspect of the case was the question of whether Guinea could exercise diplomatic protection with respect to Mr. Diallo "by substitution" for the two Congolese companies. The theory of protection by substitution seeks to offer protection to the foreign shareholders of a company who could not rely on the benefit of an international treaty and to whom no other remedy is available, the allegedly unlawful acts having been committed against the company by the State of its nationality. After carefully examining State practice and the decisions of international courts and tribunals, the Court concluded that, at least at the present time, there was no established exception in customary international law allowing for protection by substitution.

20. The Court further held that the local remedies rule had been satisfied and was not a bar to jurisdiction. The Court therefore declared Guinea's Application to be admissible in so far as it concerned protection of Mr. Diallo's rights as an individual and his direct rights as associé in Africom-Zaire and Africontainers-Zaire, but the Application was inadmissible in so far as it concerned protection of Mr. Diallo in respect of alleged violations of rights of Africom-Zaire and Africontainers-Zaire.

21. The judicial year 2006-2007 was a busy one, five cases having been under deliberation at the same time, and the judicial year 2007-2008 will also be very full. In this connection the Court has already announced the opening date of the oral proceedings in the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), (Merits). It will also continue working on two other cases.

22. This sustained level of activity on the part of the Court has been made possible by the Court's willingness to take a significant number of steps to increase its efficiency and thereby enable itself to cope with

the steady increase in its workload. After having in 2001 adopted its first Practice Directions for use by States appearing before it, the Court has regularly re-examined them as part of its ongoing review of its proceedings and working methods (see p. 57 below). Moreover, anxious to enhance its productivity, it has decided to hold regular meetings devoted to strategic planning of its work. It has set itself a particularly demanding schedule of hearings and deliberations, so that several cases can be decided at the same time.

23. This is the context in which the Court is requesting the creation for the next biennium, 2008-2009, of nine law clerk posts and one additional post for a senior official in the Department of Legal Matters. The creation of these law clerk posts would enable the Members of the Court each to benefit from the personal assistance of a young lawyer and thereby to carry out their judicial duties more efficiently. At present, the 14 Members of the Court other than the President, to whom a personal assistant is assigned, have available to them only a small team of five law clerks, whose time is split amongst not only the Members of the Court but also amongst some 20 judges ad hoc. Individual assistance for each judge is proving necessary owing, first of all, to the growing number of fact-intensive cases and the rising importance of the research, analysis and evaluation thus required in respect of not only the pleadings and documents submitted by the parties but also the legal literature and the burgeoning case law of other international courts and tribunals. Individual assistance is moreover crucial to enable the Court to render its judgments swiftly. Where there are overlapping cases under deliberation, each Member of the Court must be able, contemporaneously and in respect of several cases, to study the pleadings and their voluminous annexes before hearings are held, to write extensive judges' Notes, to prepare for the deliberations through a great deal of extra reading and, possibly, to write opinions in highly varied cases. It is very clear that this pace, unavoidable if States wish to obtain justice without unacceptable delay, cannot be kept up in the future unless Members of the Court are given greater support. It is emphasized that the writing of judgments and advisory opinions will continue, as always, to be done by the judges themselves. It is surprising that the International Court of Justice, designated in the Charter as the principal judicial organ of the United Nations, is the only major international court or tribunal which does not receive this form of assistance.

24. The same reasoning underlies the creation of a second post for a senior official, to assist the Head of Department, in the Department of Legal Matters. This post is essential to enable the Court to work during all phases of its proceedings in both its official languages and is absolutely necessary for the fulfilment, to the requisite standard of quality and within the time-limits, of the Registry's numerous responsibilities in support of the administration of justice.

25. In its budget submission the Court is also seeking the creation of a temporary post of indexer/bibliographer for the Library of the Court and the reclassification of the post of head of the new unit planned to result from the merger of the Library and Archives Divisions.

26. The Court wishes to point out that, mindful of the budgetary constraints on the United Nations, it has always limited its budget proposals strictly to the minimum. For the 2008-2009 biennium, the total increase of 5.1 per cent in the requested resources arises from the failure of its requests over six years for basic judicial assistance. It may be seen as modest in view of the Court's demonstrated efficiency in recent years and its will, already manifested, to accelerate proceedings brought before it. With an annual budget equalling less than 1 per cent of the total United Nations budget and given its pre-eminent role and ever greater activity, the Court is indisputably an exceptionally cost-effective means for peacefully resolving disputes.

27. In conclusion, the International Court of Justice welcomes the reaffirmed confidence that States have shown in the Court's ability to resolve their disputes. The Court will give the same meticulous and impartial attention to cases coming before it in the forthcoming year as it has during the 2006-2007 session.

II. Organization of the Court

A. Composition

28. The present composition of the Court is as follows: President: Rosalyn Higgins; Vice-President: Awn Shawkat Al-Khasawneh; Judges: Raymond Ranjeva, Shi Jiuyong, Abdul G. Koroma, Gonzalo Parra-Aranguren, Thomas Buergenthal, Hisashi Owada, Bruno Simma, Peter Tomka, Ronny Abraham, Kenneth Keith, Bernardo Sepúlveda-Amor, Mohamed Bennouna and Leonid Skotnikov.

29. The Registrar of the Court is Mr. Philippe Couvreur. The Deputy-Registrar is Mr. Jean-Jacques Arnaldez.

30. In accordance with Article 29 of the Statute, the Court annually forms a Chamber of Summary Procedure, which is constituted as follows:

Members

President Higgins
Vice-President Al-Khasawneh
Judges Parra-Aranguren, Buergenthal and Skotnikov

Substitute Members

Judges Koroma and Abraham.

31. In the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro[3]), Bosnia and Herzegovina chose Mr. Ahmed Mahiou and Serbia and Montenegro Mr. Milenko Kreća to sit as judges ad hoc.

32. In the case concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judge Tomka having recused himself under Article 24 of the Statute of the Court, Slovakia chose Mr. Krzysztof J. Skubiszewski to sit as judge ad hoc.

33. In the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo), Guinea chose Mr. Ahmed Mahiou and the Democratic Republic of the Congo Mr. Auguste Mampuya Kanunk'a Tshiabo to sit as judges ad hoc.

34. In the case concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda[4]), the Democratic Republic of the Congo chose Mr. Joe Verhoeven and Uganda Mr. James L. Kateka to sit as judges ad hoc.

35. In the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia and Montenegro[5]), Croatia chose Mr. Budislav Vukas and Serbia and Montenegro Mr. Milenko Kreća to sit as judges ad hoc.

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[3]See note 2 above.
[4]See note 1 above.
[5]See note 2 above.

36. In the case concerning Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras), Nicaragua chose Mr. Giorgio Gaja and Honduras Mr. Julio González Campos to sit as judges ad hoc.

37. In the case concerning Territorial and Maritime Dispute (Nicaragua v. Colombia), Nicaragua chose Mr. Giorgio Gaja and Colombia Mr. Yves L. Fortier to sit as judges ad hoc.

38. In the case concerning Certain Criminal Proceedings in France (Republic of the Congo v. France), the Republic of the Congo chose Mr. Jean-Yves de Cara to sit as judge ad hoc. Judge Abraham having recused himself under Article 24 of the Statute of the Court, France chose Mr. Gilbert Guillaume to sit as judge ad hoc.

39. In the case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), Malaysia chose Mr. Christopher J. R. Dugard and Singapore Mr. Pemmaraju Sreenevasa Rao to sit as judges ad hoc.

40. In the case concerning Maritime Delimitation in the Black Sea (Romania v. Ukraine), Romania chose Mr. Jean-Pierre Cot and Ukraine Mr. Bernard H. Oxman to sit as judges ad hoc.

41. In the case concerning Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua), Costa Rica chose Mr. Antônio Augusto Cançado Trindade and Nicaragua Mr. Gilbert Guillaume to sit as judges ad hoc.

42. In the case concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), Argentina chose Mr. Raúl Emilio Vinuesa and Uruguay Mr. Santiago Torres Bernárdez to sit as judges ad hoc.

43. In the case concerning Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France), Djibouti chose Mr. Abdulqawi Ahmed Yusuf to sit as judge ad hoc. Judge Abraham having recused himself under Article 24 of the Statute of the Court, France chose Mr. Gilbert Guillaume to sit as judge ad hoc.

B. Privileges and Immunities

44. Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

45. In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, the Members of the Court enjoy, generally, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accredited to Her Majesty the Queen of the Netherlands (I.C.J. Acts and Documents No. 6, pp. 205-211 and pp. 215-217).

46. By resolution 90 (I) of 11 December 1946 (ibid., pp. 211-215), the General Assembly of the United Nations approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended that

> "if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there",

and that

"judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

47. The same resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept United Nations laissez-passer issued to the judges by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

48. Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

III. JURISDICTION OF THE COURT

A. Jurisdiction of the Court in contentious cases

49. On 31 July 2007, the 192 States Members of the United Nations were parties to the Statute of the Court.

50. Sixty-five States have now made declarations (many with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Commonwealth of Dominica, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Japan, Kenya, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Slovakia, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed by the above States can be found on the Court's website.

51. Lists of treaties and conventions which provide for the jurisdiction of the Court can also be found on the Court's website. There are currently in force approximately 130 such multilateral conventions and approximately 180 such bilateral conventions.

B. Jurisdiction of the Court in advisory proceedings

52. In addition to United Nations organs (General Assembly and Security Council — which are authorized to request advisory opinions of the Court "on any legal question" —, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly), the following organizations are at present authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities:

International Labour Organisation;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization;
International Civil Aviation Organization;
World Health Organization;
World Bank;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Telecommunication Union;
World Meteorological Organization;
International Maritime Organization;
World Intellectual Property Organization;
International Fund for Agricultural Development;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

53. A list of the international instruments that make provision for the advisory jurisdiction of the Court appears on the Court's website.

IV. Functioning of the Court

A. Committees of the Court

54. The committees constituted by the Court to facilitate the performance of its administrative tasks met a number of times during the period under review; they are composed as follows:

(a) the Budgetary and Administrative Committee: the President of the Court (Chair), the Vice-President of the Court and Judges Ranjeva, Buergenthal, Owada and Tomka;

(b) the Library Committee: Judge Buergenthal (Chair), Judges Simma, Tomka, Keith and Bennouna.

55. The Rules Committee, constituted by the Court in 1979 as a standing body, is composed of Judge Owada (Chair), Judges Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna and Skotnikov.

B. The Registry of the Court

56. The Court is the only principal organ of the United Nations to have its own administration (see Art. 98 of the Charter). The Registry is the permanent administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Arts. 22-29 of the Rules). Since the Court is both a judicial body and an international institution, the role of the Registry is both to provide judicial support and to act as an international secretariat. The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar and its duties are worked out in instructions drawn up by the Registrar and approved by the Court (see Rules, Art. 28, paras. 2 and 3). The Instructions for the Registry were drawn up in October 1946. An organizational chart of the Registry is appended to this Report.

57. Registry officials are appointed by the Court on proposals by the Registrar or, for General Service staff, by the Registrar with the approval of the President. Short-term staff are appointed by the Registrar. Working conditions are laid down in Staff Regulations adopted by the Court (see Art. 28 of the Rules of Court). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy a status, remuneration and pension rights corresponding to those of Secretariat officials of the equivalent category or grade.

58. Over the last 15 years, the Registry's workload, notwithstanding its adaptation to new technologies, has grown considerably following the substantial increase in the number of cases brought before the Court.

59. Taking into account the creation of two professional posts in the 2006-2007 biennium, the staffing chart for the Registry shows at present a total of 100 staff members as follows: 47 staff members in the professional and higher category (of which 35 hold established posts and 12 temporary posts), and 53 staff members in the General Service category (of which 51 hold established posts and two temporary posts).

60. In accordance with the views expressed by the General Assembly, a performance appraisal system was established for Registry staff, effective 1 January 2004.

The Registrar and Deputy-Registrar

61. The Registrar is the regular channel of communications to and from the Court and in particular effects all communications, notifications and transmissions of documents required by the Statute or by the Rules; he keeps a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry; he is present in person, or represented by his deputy, at meetings of the Court, and of the Chambers, and is responsible for the preparation of minutes of such meetings; he makes arrangements for such provision or verification of translations and interpretations into the Court's official languages (French and English) as the Court may require; he signs all judgments, advisory opinions and orders of the Court as well as the minutes; he is responsible for the administration of the Registry and for the work of all its departments and divisions, including the accounts and financial administration in accordance with the financial procedures of the United Nations; he assists in maintaining the Court's external relations, in particular with other organs of the United Nations and with other international organizations and States and is responsible for information concerning the Court's activities and for the Court's publications; finally, he has custody of the seals and stamps of the Court, of the archives of the Court, and of such other archives as may be entrusted to the Court (including the archives of the Nuremberg Tribunal).

62. The Deputy-Registrar assists the Registrar and acts as Registrar in the latter's absence; he has since 1998 been entrusted with wider administrative responsibilities, including direct supervision of the Archives, IT and General Assistance Divisions.

63. The Registrar and the Deputy-Registrar, when acting for the Registrar, are, pursuant to the exchange of correspondence mentioned in paragraph 41 above, accorded the same privileges and immunities as Heads of Diplomatic Missions in The Hague.

The Registry's substantive divisions and units

Department of Legal Matters

64. This Department, composed of seven posts in the Professional category and one in the General Service category, is responsible for all legal matters within the Registry. In particular, its task is to assist the Court in the exercise of its judicial functions. It prepares the minutes of meetings of the Court and acts as secretariat to the drafting committees which prepare the Court's draft decisions, and also as secretariat to the Rules Committee. It carries out research in international law, examining judicial and procedural precedents, and prepares studies and notes for the Court and the Registrar as required. It also prepares for signature by the Registrar all correspondence in pending cases and, more generally, diplomatic correspondence relating to the application of the Statute or the Rules of Court. It is also responsible for monitoring the Headquarters agreements with the host country. Finally, the Department may be consulted on all legal questions relating to the terms of employment of Registry staff.

65. Five law clerks, in the Professional category, whose task is to undertake legal research at the request of Members of the Court and judges ad hoc, work as a pool within the Department. Similarly, the personal assistant to the President is, from the administrative perspective, part of the Department.

Department of Linguistic Matters

66. This Department, currently composed of 17 posts in the Professional category and one in the General Service category, is responsible for the translation of documents to and from the Court's two official languages and provides support to judges. Documents translated include case pleadings and other communications from States parties, verbatim records of Court hearings, the Court's judgments, advisory opinions and orders, together with their drafts and working documents, judges' Notes, minutes of Court and committee meetings, internal reports, notes, studies, memoranda and directives, speeches by the President and judges to outside bodies, reports and communications to the Secretariat, etc. The Department also provides interpretation at private and public meetings of the Court and, as required, at meetings held by the President and Members of the Court with agents of the parties and other official visitors.

67. As a result of the growth of the Department, recourse to outside translators has been substantially reduced. However, outside translation assistance is still necessary on occasion. The Department nevertheless does its best to make use of remote translation and to share resources with other linguistic departments within the United Nations system. For Court hearings and deliberations, outside interpreters are used.

Information Department

68. This Department, composed of three posts in the Professional category and one in the General Service category, plays an important part in the Court's external relations. Its duties consist of: replying to requests for information on the Court; preparing all documents containing general information on the Court (in particular the Annual Report of the Court to the General Assembly, the Yearbook, and handbooks for the general public); encouraging and assisting the media to report on the work of the Court (in particular by preparing press releases and developing new communication aids, especially audiovisual ones). The Department gives presentations on the Court (to diplomats, lawyers, students and others) and is responsible for keeping the Court's website up to date. Its duties extend to internal communication as well.

69. The Information Department is also responsible for organizing the public sittings of the Court and all other official events, in particular a large number of visits, including those by distinguished guests. Thus, it also serves as a protocol office.

Technical Divisions

Administrative and Personnel Division

70. This Division, currently composed of one post in the Professional category and one in the General Service category, is responsible for various duties related to staff management and administration, including: planning and implementation of recruitment, appointment, promotion, training and separation of staff. In administering staff, it ensures observance of the Staff Regulations for the Registry and of those United Nations Staff Regulations and Rules which the Court determines to be applicable. As part of the recruitment process, the Division prepares vacancy announcements, reviews applications, arranges interviews for selection of candidates and prepares job offers for successful candidates, and provides introduction, orientation and briefing to new staff members. The Division also administers and monitors staff entitlements and benefits, handles the relevant personnel actions and liaises with the Office of Human Resources Management (OHRM) and the United Nations Joint Staff Pension Fund (UNJSPF).

Finance Division

71. This Division, composed of two posts in the Professional category and three in the General Service category, is responsible for financial matters. Its financial duties include inter alia: preparation of the budget; financial accounting and reporting; procurement and inventory control; vendor payments; payroll and payroll-related operations (allowances/overtime), and travel.

Publications Division

72. This Division, composed of three posts in the Professional category, is responsible for preparation of manuscripts, proofreading and correction of proofs, study of estimates and choice of printing firms in relation to the following official publications of the Court: (a) Reports of Judgments, Advisory Opinions and Orders; (b) Pleadings, Oral Arguments, Documents; (c) Bibliographies; (d) Yearbooks. It is also responsible for various other publications as instructed by the Court or the Registrar. Moreover, as the actual printing of the Court's publications is outsourced, the Division is also responsible for the preparation, conclusion and implementation of contracts with printers, including control of all invoices. (For the Court's publications, see Chapter VIII below.)

Documents Division — Library of the Court

73. This Division, composed of two posts in the Professional category and three in the General Service category, has as its main task the acquisition, conservation and classification of leading works on international law, as well as a significant number of periodicals and other relevant documents. The Division operates in close collaboration with the Peace Palace Library of the Carnegie Foundation. It prepares bibliographies for Members of the Court as required and compiles an annual bibliography of all publications concerning the Court. It also assists the translators with all their reference needs. The Division recently acquired new software for managing the collection and the Division's operations.

74. The Library of the Court is also responsible for the Archives of the Nuremberg International Military Tribunal (including paper documents, gramophone records, films and some objects). Further to decisions taken by the Court and the Registry concerning the conservation of the Archives, the Library has implemented a conservation and digitization plan, now being finalized.

IT Division

75. The IT Division, composed of two posts in the Professional category and three in the General Service category, is responsible for the efficient functioning and continued development of information technology at the Court. It is charged with the administration and functioning of the Court's local area networks and all other computer and technical equipment. It is also responsible for the implementation of new software and hardware projects, and assists and trains computer users in all aspects of information technology. Finally, the IT Division is responsible for the technical development and management of the Court's website. The creation in 2006 of the P-4 post for the Head of the IT Division has enabled the Head, after having prepared a short-, medium- and long-term strategic IT plan, to streamline and augment the operations of the Division as well as to increase information-sharing and co-operation with his counterparts in other organizations based in The Hague.

Archives, Indexing and Distribution Division

76. This Division, composed of one post in the Professional category and five in the General Service category, is responsible for indexing and classifying all correspondence and documents received or sent by the Court, and for the subsequent retrieval of any such item on request. The duties of this Division include in particular the keeping of an up-to-date index of correspondence, incoming and outgoing, as well as of all documents, both official and other, held on file. It is also responsible for checking, distributing and filing all internal documents, some of which are strictly confidential. A new computerized system for managing both internal and external documents will become operational within the Division in the course of this biennium.

77. The Archives, Indexing and Distribution Division also handles the despatch of official publications to Members of the United Nations, as well as to numerous institutions and individuals.

Shorthand, Typewriting and Reproduction Division

78. This Division, composed of one post in the Professional category and nine in the General Service category, carries out all the typing work of the Registry and, as necessary, the reproduction of typed texts.

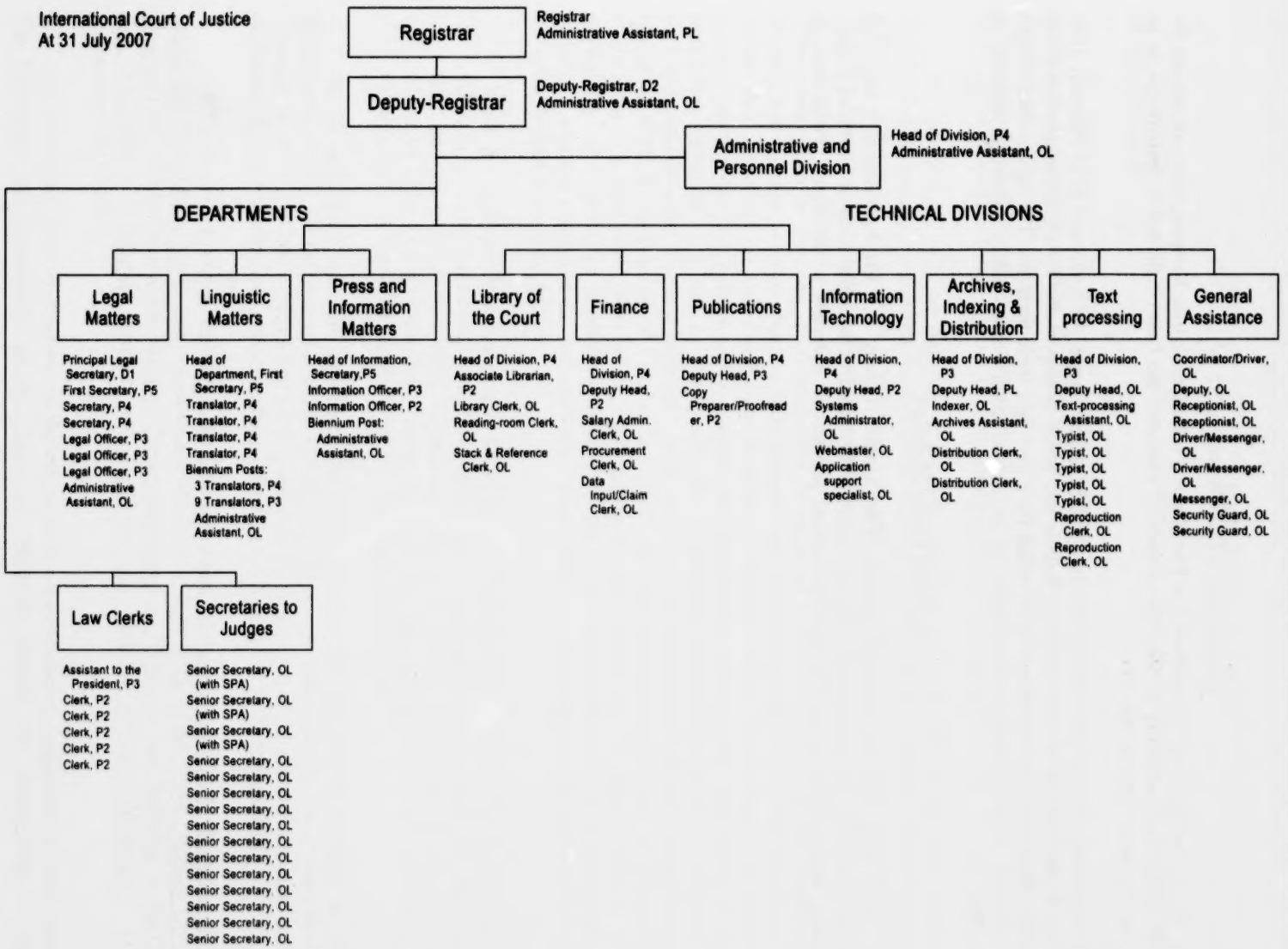
79. The Division is responsible in particular for the typing and reproduction of the following documents in addition to correspondence proper: the translations of written pleadings and annexes, verbatim records of hearings and their translations, the translations of judges' Notes and judges' amendments to a draft judgment, and the translations of judges' opinions. It is also responsible for the typing and reproduction of the Court's judgments, advisory opinions and orders. In addition, it is responsible for checking documents and references, re-reading and page layout.

Judges' Secretaries

80. The work done by the 15 judges' secretaries is manifold and varied. As a general rule, the secretaries type Notes, amendments and opinions, as well as all correspondence of judges and judges ad hoc. They assist their judges in the management of their work diary and in the preparation of relevant papers for meetings, as well as in dealing with visitors and enquiries.

General Assistance Division

81. The General Assistance Division, composed of nine posts in the General Service category, provides general assistance to Members of the Court and Registry staff in regard to messenger, transport, reception and telephone services. It is also responsible for security.


International Court of Justice
At 31 July 2007
Registrar
Registrar
Administrative Assistant, PL
Deputy-Registrar
Deputy-Registrar, D2
Administrative Assistant, OL
Administrative and Personnel Division
Head of Division, P4
Administrative Assistant, OL
DEPARTMENTS
TECHNICAL DIVISIONS
Legal Matters
Principal Legal Secretary, D1
First Secretary, P5
Secretary, P4
Secretary, P4
Legal Officer, P3
Legal Officer, P3
Legal Officer, P3
Administrative Assistant, OL
Linguistic Matters
Head of Department, First Secretary, P5
Translator, P4
Translator, P4
Translator, P4
Translator, P4
Biennium Posts:
3 Translators, P4
9 Translators, P3
Administrative Assistant, OL
Press and Information Matters
Head of Information, Secretary,P5
Information Officer, P3
Information Officer, P2
Biennium Post:
Administrative Assistant, OL
Library of the Court
Head of Division, P4
Associate Librarian, P2
Library Clerk, OL
Reading-room Clerk, OL
Stack & Reference Clerk, OL
Finance
Head of Division, P4
Deputy Head, P2
Salary Admin. Clerk, OL
Procurement Clerk, OL
Data Input/Claim Clerk, OL
Publications
Head of Division, P4
Deputy Head, P3
Copy Preparer/Proofreader, P2
Information Technology
Head of Division, P4
Deputy Head, P2
Systems Administrator, OL
Webmaster, OL
Application support specialist, OL
Archives, Indexing & Distribution
Head of Division, P3
Deputy Head, PL
Indexer, OL
Archives Assistant, OL
Distribution Clerk, OL
Distribution Clerk, OL
Text processing
Head of Division, P3
Deputy Head, OL
Text-processing Assistant, OL
Typist, OL
Typist, OL
Typist, OL
Typist, OL
Typist, OL
Reproduction Clerk, OL
Reproduction Clerk, OL
General Assistance
Coordinator/Driver, OL
Deputy, OL
Receptionist, OL
Receptionist, OL
Driver/Messenger, OL
Driver/Messenger, OL
Messenger, OL
Security Guard, OL
Security Guard, OL
Law Clerks
Assistant to the President, P3
Clerk, P2
Clerk, P2
Clerk, P2
Clerk, P2
Clerk, P2
Secretaries to Judges
Senior Secretary, OL (with SPA)
Senior Secretary, OL (with SPA)
Senior Secretary, OL (with SPA)
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL
Senior Secretary, OL

C. Seat

82. The seat of the Court is established at The Hague (Netherlands); this, however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

83. The Court occupies premises in the Peace Palace at The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement provides for the payment to the Carnegie Foundation of an annual contribution, which presently amounts to US$1,407,766.

D. Peace Palace Museum

84. On 17 May 1999, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, inaugurated the museum created by the International Court of Justice and situated in the south wing of the Peace Palace. The museum, which is run by the Carnegie Foundation, presents an overview of the theme "Peace through Justice".

V. JUDICIAL WORK OF THE COURT

85. During the period under review 13 contentious cases were pending; the number pending at 31 July 2007 is 12.

86. On 9 August 2006 the Court entered a new case in the General List: Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France). The proceedings had been instituted by way of an Application filed by the Republic of Djibouti on 9 January 2006, but the Court had taken no action in the proceedings pending consent by the French Republic to the Court's jurisdiction in the case. France consented on 9 August 2006 to the Court's jurisdiction pursuant to Article 38, paragraph 5, of the Rules of Court.

87. On 18 April 2007 the Republic of Rwanda submitted an Application to the Court in respect of a dispute with France concerning international arrest warrants issued by French judicial authorities against three Rwandan officials on 20 November 2006 and a request sent to the United Nations Secretary-General that President Paul Kagame of Rwanda should stand trial at the International Criminal Tribunal for Rwanda (ICTR). In its Application, Rwanda stated that the subject of the dispute concerned an alleged "report issued by [a French judge]" on the downing, on 6 April 1994, of an aircraft carrying inter alia the late Heads of State of Rwanda and Burundi, Messrs. Juvénal Habyarimana and Cyprien Ntaryamira. Rwanda asked the Court to declare that, by issuing the above-mentioned three arrest warrants, France "has violated, and is continuing to violate, international law with regard to international immunities generally and with regard to diplomatic immunities particularly", as well as "the sovereignty" of Rwanda, and that it is "under an obligation to annul such international arrest warrants forthwith". With respect to the request that President Kagame should stand trial at the ICTR, Rwanda asked the Court to find that France "has acted in breach of the obligation of each and every State to refrain from intervention in the affairs of other States" and "is under a duty to respect the sovereignty" of Rwanda. To found the jurisdiction of the Court, Rwanda cited Article 38, paragraph 5, of the Rules of Court and expressed its "full confidence that France . . . will accept the jurisdiction of the Court" to settle the dispute. Under that Article:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

88. In accordance with this provision, the Application by the Republic of Rwanda, to which was appended a request for the indication of provisional measures, was transmitted to the French Government. However, as of 31 July 2007, France had yet to consent to the jurisdiction of the Court in the case; accordingly, no further documents have been transmitted and no action has been taken in the proceedings.

89. The Court held public hearings in the following cases: Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo) (preliminary objections); Pulp Mills on the River Uruguay (Argentina v. Uruguay) (provisional measures); Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras) (merits); and Territorial and Maritime Dispute (Nicaragua v. Colombia) (preliminary objections).

90. The Court rendered judgment on the merits in the case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and

Montenegro)[6], and on the preliminary objections to the admissibility of the Application raised by the Respondent in the case concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo).

91. In the case concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), the Court made an Order with respect to the request for provisional measures submitted by Uruguay.

92. The Court also made Orders fixing or extending time-limits in the following cases: Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France); Pulp Mills on the River Uruguay (Argentina v. Uruguay); Maritime Delimitation in the Black Sea (Romania v. Ukraine); and Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo).

93. In addition, the Court revised Practice Directions IX and XI and adopted new Practice Directions IXbis and IXter (see para. 202 below).

A. Cases before the Court

1. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)

94. On 20 March 1993, Bosnia and Herzegovina filed an Application instituting proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia)[7] in respect of a dispute concerning alleged violations of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter called the "Genocide Convention"). As basis for the jurisdiction of the Court, Bosnia and Herzegovina invokes Article IX of that Convention.

95. In its Application, Bosnia and Herzegovina, among other claims, requested the Court to adjudge and declare that Serbia and Montenegro, through its agents and surrogates, "has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina", that it must cease immediately this practice of so-called "ethnic cleansing" and pay reparations.

96. On 20 March 1993 Bosnia and Herzegovina also submitted a request for provisional measures. Public hearings were held on 1 and 2 April 1993, and by an Order dated 8 April 1993 the Court indicated that Serbia and Montenegro "should immediately . . . take all measures within its power to prevent commission of the crime of genocide" and that both Serbia and Montenegro and Bosnia and Herzegovina "should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute . . . or render it more difficult of solution". The Court limited its provisional measures to requests falling within the jurisdiction conferred on it by the Genocide Convention.

97. On 27 July 1993 Bosnia and Herzegovina filed a second request for provisional measures, which was followed on 10 August 1993 by a request for provisional measures from Serbia and Montenegro. Public hearings were held on 25 and 26 August 1993, and by an Order dated 13 September 1993 the Court reaffirmed the measures indicated earlier, adding that they should be immediately and effectively implemented.

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[6]See note 2 above.
[7]See note 2 above.

98. The Memorial of Bosnia and Herzegovina was filed within the extended time-limit of 15 April 1994.

99. On 26 June 1995, within the extended time-limit for the deposit of its Counter-Memorial, Serbia and Montenegro filed preliminary objections to the jurisdiction of the Court and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Art. 79 of the Rules of Court). After Bosnia and Herzegovina had filed a written statement on the preliminary objections, public hearings were held between 29 April and 3 May 1996. On 11 July 1996, the Court delivered its Judgment, rejecting the objections of Serbia and Montenegro; finding that, on the basis of Article IX of the Genocide Convention, it had jurisdiction to deal with the case; dismissing the additional basis of jurisdiction invoked by Bosnia and Herzegovina; and finding that the Application was admissible.

100. In the Counter-Memorial filed on 22 July 1997, Serbia and Montenegro submitted counter-claims requesting the Court to adjudge and declare that "Bosnia and Herzegovina [was] responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina" and that it "ha[d] the obligation to punish the persons held responsible" for these acts. It also asked the Court to rule that "Bosnia and Herzegovina [was] bound to take necessary measures so that the said acts would not be repeated in future" and "to eliminate all consequences of the violation of the obligations established by the . . . [Genocide] Convention".

101. By letter of 28 July 1997 Bosnia and Herzegovina informed the Court that "the Applicant [was] of the opinion that the Counter-Claim submitted by the Respondent . . . [did] not meet the criterion of Article 80, paragraph 1, of the Rules of Court and should therefore not be joined to the original proceedings".

102. After each Party had filed written observations, the Court, by an Order of 17 December 1997, held that Serbia and Montenegro's counter-claims were "admissible as such" and that they formed "part of the current proceedings" in the case; the Court also directed the Parties to submit further written pleadings on the merits of their respective claims and fixed time-limits for the filing of a Reply by Bosnia and Herzegovina and of a Rejoinder by Serbia and Montenegro. Those time-limits having been extended at the request of each of the Parties, the Reply of Bosnia and Herzegovina was eventually filed on 23 April 1998 and the Rejoinder of Serbia and Montenegro on 22 February 1999. In these pleadings, each of the Parties contested the allegations made by the other.

103. Subsequently several exchanges of letters took place concerning further procedural difficulties in the case.

104. By an Order of 10 September 2001 the President of the Court placed on record the withdrawal by Serbia and Montenegro of the counter-claims submitted by that State in its Counter-Memorial. The Order was made after Serbia and Montenegro had informed the Court that it intended to withdraw its counter-claims and Bosnia and Herzegovina had indicated to the latter that it had no objection to that withdrawal.

105. It is recalled that, on 3 February 2003, the Court rendered its Judgment in the case concerning Application for Revision of the Judgment of 11 July 1996 in the Case concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), Preliminary Objections (Yugoslavia v. Bosnia and Herzegovina), by which it found that the request for revision was inadmissible.

106. It is further recalled that, on 4 May 2001, Serbia and Montenegro (then known as the Federal Republic of Yugoslavia) submitted a document to the Court, entitled "Initiative to the Court to reconsider ex officio Jurisdiction over Yugoslavia". The submissions presented in that document were, first, that the Court

had no jurisdiction ratione personae over Serbia and Montenegro and, secondly, that the Court should "suspend proceedings regarding the merits of the case until a decision on this Initiative", i.e., on the jurisdictional issue, had been rendered. In a letter dated 12 June 2003, the Registrar informed the Parties in the case that the Court had decided that it could not effect such a suspension of the proceedings in the circumstances of the case.

107. Public hearings on the merits of the case were held from 27 February 2006 to 9 May 2006. At the conclusion of those hearings, the Parties presented the following final submissions to the Court.

For Bosnia and Herzegovina:

"Bosnia and Herzegovina requests the Court to adjudge and declare:

1. That Serbia and Montenegro, through its organs or entities under its control, has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by intentionally destroying in part the non-Serb national, ethnical or religious group within, but not limited to, the territory of Bosnia and Herzegovina, including in particular the Muslim population, by:

— killing members of the group;

— causing serious bodily or mental harm to members of the group;

— deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

— imposing measures intended to prevent births within the group;

— forcibly transferring children of the group to another group;

2. Subsidiarily:

   (i) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by complicity in genocide as defined in paragraph 1, above; and/or

   (ii) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by aiding and abetting individuals, groups and entities engaged in acts of genocide, as defined in paragraph 1 above;

3. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by conspiring to commit genocide and by inciting to commit genocide, as defined in paragraph 1 above;

4. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed to prevent genocide;

5. That Serbia and Montenegro has violated and is violating its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed and for failing to punish acts of genocide or any other act prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide, and for having failed and for failing to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to co-operate fully with this Tribunal;

6. That the violations of international law set out in submissions 1 to 5 constitute wrongful acts attributable to Serbia and Montenegro which entail its international responsibility, and, accordingly,

(a) that Serbia and Montenegro shall immediately take effective steps to ensure full compliance with its obligation to punish acts of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide or any other act prohibited by the Convention and to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to fully co-operate with this Tribunal;

(b) that Serbia and Montenegro must redress the consequences of its international wrongful acts and, as a result of the international responsibility incurred for the above violations of the Convention on the Prevention and Punishment of the Crime of Genocide, must pay, and Bosnia and Herzegovina is entitled to receive, in its own right and as parens patriae for its citizens, full compensation for the damages and losses caused. That, in particular, the compensation shall cover any financially assessable damage which corresponds to:

(i) damage caused to natural persons by the acts enumerated in Article III of the Convention, including non-material damage suffered by the victims or the surviving heirs or successors and their dependants;

(ii) material damage caused to properties of natural or legal persons, public or private, by the acts enumerated in Article III of the Convention;

(iii) material damage suffered by Bosnia and Herzegovina in respect of expenditures reasonably incurred to remedy or mitigate damage flowing from the acts enumerated in Article III of the Convention;

(c) that the nature, form and amount of the compensation shall be determined by the Court, failing agreement thereon between the Parties one year after the Judgment of the Court, and that the Court shall reserve the subsequent procedure for that purpose;

(d) that Serbia and Montenegro shall provide specific guarantees and assurances that it will not repeat the wrongful acts complained of, the form of which guarantees and assurances is to be determined by the Court;

7. That in failing to comply with the Orders for indication of provisional measures rendered by the Court on 8 April 1993 and 13 September 1993 Serbia and Montenegro has been in breach of its international obligations and is under an obligation to Bosnia and Herzegovina to provide for the latter violation symbolic compensation, the amount of which is to be determined by the Court."

For Serbia and Montenegro:

"In accordance with Article 60, paragraph 2, of the Rules of Court, Serbia and Montenegro asks the Court to adjudge and declare:

— that this Court has no jurisdiction because the Respondent had no access to the Court at the relevant moment; or, in the alternative

— that this Court has no jurisdiction over the Respondent because the Respondent never remained or became bound by Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, and because there is no other ground on which jurisdiction over the Respondent could be based.

In case the Court determines that jurisdiction exists Serbia and Montenegro asks the Court to adjudge and declare:

— That the requests in paragraphs 1 to 6 of the Submissions of Bosnia and Herzegovina relating to alleged violations of the obligations under the Convention on the Prevention and Punishment of the Crime of Genocide be rejected as lacking a basis either in law or in fact.

— In any event, that the acts and/or omissions for which the respondent State is alleged to be responsible are not attributable to the respondent State. Such attribution would necessarily involve breaches of the law applicable in these proceedings.

— Without prejudice to the foregoing, that the relief available to the applicant State in these proceedings, in accordance with the appropriate interpretation of the Convention on the Prevention and Punishment of the Crime of Genocide, is limited to the rendering of a declaratory judgment.

— Further, without prejudice to the foregoing, that any question of legal responsibility for alleged breaches of the Orders for the indication of provisional measures, rendered by the Court on 8 April 1993 and 13 September 1993, does not fall within the competence of the Court to provide appropriate remedies to an applicant State in the context of contentious proceedings, and, accordingly, the request in paragraph 7 of the Submissions of Bosnia and Herzegovina should be rejected."

108. On 26 February 2007, the Court rendered its Judgment in the case. The operative paragraph of the Judgment reads as follows:

"For these reasons,

THE COURT,

(1) by ten votes to five,

Rejects the objections contained in the final submissions made by the Respondent to the effect that the Court has no jurisdiction; and affirms that it has jurisdiction, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, to adjudicate upon the dispute brought before it on 20 March 1993 by the Republic of Bosnia and Herzegovina;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna; Judge ad hoc Mahiou;

AGAINST: Judges Ranjeva, Shi, Koroma, Skotnikov; Judge ad hoc Kreća;

(2) by thirteen votes to two,

Finds that Serbia has not committed genocide, through its organs or persons whose acts engage its responsibility under customary international law, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: President Higgins; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov; Judge ad hoc Kreća;

AGAINST: Vice-President Al-Khasawneh; Judge ad hoc Mahiou;

(3) by thirteen votes to two,

Finds that Serbia has not conspired to commit genocide, nor incited the commission of genocide, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: President Higgins; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov; Judge ad hoc Kreća;

AGAINST: Vice-President Al-Khasawneh; Judge ad hoc Mahiou;

(4) by eleven votes to four,

Finds that Serbia has not been complicit in genocide, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

IN FAVOUR: President Higgins; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Sepúlveda-Amor, Skotnikov; Judge ad hoc Kreća;

AGAINST: Vice-President Al-Khasawneh; Judges Keith, Bennouna; Judge ad hoc Mahiou;

(5) by twelve votes to three,

Finds that Serbia has violated the obligation to prevent genocide, under the Convention on the Prevention and Punishment of the Crime of Genocide, in respect of the genocide that occurred in Srebrenica in July 1995;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Owada, Simma, Abraham, Keith, Sepúlveda-Amor, Bennouna; Judge ad hoc Mahiou;

AGAINST: Judges Tomka, Skotnikov; Judge ad hoc Kreća;

(6) by fourteen votes to one,

Finds that Serbia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by having failed to transfer Ratko Mladić, indicted for genocide and complicity in genocide, for trial by the International Criminal Tribunal for the former Yugoslavia, and thus having failed fully to co-operate with that Tribunal;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov; Judge ad hoc Mahiou;

AGAINST: Judge ad hoc Kreća;

(7) by thirteen votes to two,

Finds that Serbia has violated its obligation to comply with the provisional measures ordered by the Court on 8 April and 13 September 1993 in this case, inasmuch as it failed to take all measures within its power to prevent genocide in Srebrenica in July 1995;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna; Judge ad hoc Mahiou;

AGAINST: Judge Skotnikov; Judge ad hoc Kreća;

(8) by fourteen votes to one,

Decides that Serbia shall immediately take effective steps to ensure full compliance with its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide to punish acts of genocide as defined by Article II of the Convention, or any of the other acts proscribed by Article III of the Convention, and to transfer individuals accused of genocide or any of those other acts for trial by the International Criminal Tribunal for the former Yugoslavia, and to co-operate fully with that Tribunal;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov; Judge ad hoc Mahiou;

AGAINST: Judge ad hoc Kreća;

(9) by thirteen votes to two,

Finds that, as regards the breaches by Serbia of the obligations referred to in subparagraphs (5) and (7) above, the Court's findings in those paragraphs constitute appropriate satisfaction, and that the case is not one in which an order for payment of compensation, or, in respect of the violation referred to in subparagraph (5), a direction to provide assurances and guarantees of non-repetition, would be appropriate.

IN FAVOUR: President Higgins; Judges Ranjeva, Shi, Koroma, Owada, Simma, Tomka, Abraham, Keith, Sepúlveda-Amor, Bennouna, Skotnikov; Judge ad hoc Kreća;

AGAINST: Vice-President Al-Khasawneh; Judge ad hoc Mahiou."

109. Vice-President Al-Khasawneh appended a dissenting opinion to the Judgment of the Court; Judges Ranjeva, Shi and Koroma appended a joint dissenting opinion to the Judgment of the Court; Judge Ranjeva appended a separate opinion to the Judgment of the Court; Judges Shi and Koroma appended a joint declaration to the Judgment of the Court; Judges Owada and Tomka appended separate opinions to the Judgment of the Court; Judges Keith, Bennouna and Skotnikov appended declarations to the Judgment of the Court; Judge ad hoc Mahiou appended a dissenting opinion to the Judgment of the Court; Judge ad hoc Kreća appended a separate opinion to the Judgment of the Court.

2. Gabčíkovo-Nagymaros Project (Hungary/Slovakia)

110. On 2 July 1993, Hungary and Slovakia jointly notified to the Court a Special Agreement, signed between them on 7 April 1993, for the submission of certain issues arising out of differences regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system.

In Article 2 of the Special Agreement:

> "(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,
>
> (a) whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčíkovo Project for which the Treaty attributed responsibility to the Republic of Hungary;
>
> (b) whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);
>
> (c) what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.
>
> (2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph (1) of this Article."

111. Each of the Parties filed a Memorial, a Counter-Memorial and a Reply within the time-limits fixed by the Court or its President.

112. Hearings in the case were held between 3 March and 15 April 1997. From 1 to 4 April 1997, the Court paid a site visit (the first ever in its history) to the Gabčíkovo-Nagymaros Project by virtue of Article 66 of the Rules of Court.

113. In its Judgment of 25 September 1997, the Court found that both Hungary and Slovakia had breached their legal obligations. It called on both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Budapest Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989.

114. On 3 September 1998 Slovakia filed in the Registry of the Court a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the Judgment delivered by the Court in that case on 25 September 1997.

115. Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time-limit of 7 December 1998 fixed by the President of the Court.

116. The Parties have subsequently resumed negotiations and have informed the Court on a regular basis of the progress made.

3. Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)

117. On 28 December 1998 the Republic of Guinea instituted proceedings against the Democratic Republic of the Congo by filing an "Application for purposes of diplomatic protection", in which it requested the Court to find that "the Democratic Republic of the Congo is guilty of serious breaches of international law committed upon the person of a Guinean national", Mr. Ahmadou Sadio Diallo.

118. According to Guinea, Mr. Ahmadou Sadio Diallo, a businessman who had been a resident of the Democratic Republic of the Congo for 32 years, was "unjustly imprisoned by the authorities of that State" for two and a half months, "despoiled of his sizable investments, business, movable and immovable property and bank accounts, and then", on 2 February 1996, "expelled from the country", because he had sought the payment of debts owed to him by the Democratic Republic of the Congo and by oil companies established in that country under contracts with companies owned by him, namely Africom-Zaire and Africontainers-Zaire.

119. As basis for the Court's jurisdiction, Guinea invokes the declarations whereby the Democratic Republic of the Congo and itself accepted the compulsory jurisdiction of the Court on, respectively, 8 February 1989 and 11 November 1998.

120. Guinea filed its Memorial within the time-limit as extended by the Court. On 3 October 2002, within the time-limit for the deposit of its Counter-Memorial as extended, the Democratic Republic of the Congo filed certain preliminary objections to the Court's jurisdiction and the admissibility of the Application; the proceedings on the merits were accordingly suspended (Article 79 of the Rules of Court).

121. By an Order of 7 November 2002 the Court fixed 7 July 2003 as the time-limit within which Guinea might present a written statement of its observations and submissions on the preliminary objections raised by the Democratic Republic of the Congo. That written statement was filed within the time-limit thus fixed.

122. Public hearings on the preliminary objections were held from 27 November 2006 to 1 December 2006. At the conclusion of the oral proceedings the Parties presented the following final submissions to the Court:

For the Democratic Republic of the Congo:

"The Democratic Republic of the Congo respectfully requests the Court to adjudge and declare that the Application of the Republic of Guinea is inadmissible,

1. on the ground that the Republic of Guinea has no status to exercise diplomatic protection in the present proceedings, since its Application seeks essentially to secure reparation for injury suffered on account of the violation of rights of companies not possessing its nationality;

2. on the ground that, in any event, neither the companies in question nor Mr. Diallo have exhausted the available and effective local remedies existing in the Democratic Republic of the Congo."

For the Republic of Guinea:

"The Republic of Guinea kindly requests the Court:

1. to reject the Preliminary Objections raised by the Democratic Republic of the Congo;

2. to declare the Application of the Republic of Guinea admissible;

3. to fix time-limits for the further proceedings."

123. On 24 May 2007, the Court rendered its Judgment on the preliminary objections. The operative paragraph of the Judgment reads as follows:

"For these reasons,

THE COURT,

(1) As regards the preliminary objection to admissibility raised by the Democratic Republic of the Congo for lack of standing by the Republic of Guinea to exercise diplomatic protection in the present case:

(a) unanimously,

Rejects the objection in so far as it concerns protection of Mr. Diallo's direct rights as associé in Africom-Zaire and Africontainers-Zaire;

(b) by fourteen votes to one,

Upholds the objection in so far as it concerns protection of Mr. Diallo in respect of alleged violations of rights of Africom-Zaire and Africontainers-Zaire;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Bennouna, Skotnikov; Judge ad hoc Mampuya;

AGAINST: Judge ad hoc Mahiou;

(2) As regards the preliminary objection to admissibility raised by the Democratic Republic of the Congo on account of non-exhaustion by Mr. Diallo of local remedies:

(a) unanimously,

Rejects the objection in so far as it concerns protection of Mr. Diallo's rights as an individual;

(b) by fourteen votes to one,

Rejects the objection in so far as it concerns protection of Mr. Diallo's direct rights as associé in Africom-Zaire and Africontainers-Zaire;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Bennouna, Skotnikov; Judge ad hoc Mahiou;

AGAINST: Judge ad hoc Mampuya;

(3) In consequence,

(a) unanimously,

Declares the Application of the Republic of Guinea to be admissible in so far as it concerns protection of Mr. Diallo's rights as an individual;

(b) by fourteen votes to one,

Declares the Application of the Republic of Guinea to be admissible in so far as it concerns protection of Mr. Diallo's direct rights as associé in Africom-Zaire and Africontainers-Zaire;

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Bennouna, Skotnikov; Judge ad hoc Mahiou;

AGAINST: Judge ad hoc Mampuya;

(c) by fourteen votes to one,

Declares the Application of the Republic of Guinea to be inadmissible in so far as it concerns protection of Mr. Diallo in respect of alleged violations of rights of Africom-Zaire and Africontainers-Zaire.

IN FAVOUR: President Higgins; Vice-President Al-Khasawneh; Judges Ranjeva, Shi, Koroma, Buergenthal, Owada, Simma, Tomka, Abraham, Keith, Bennouna, Skotnikov; Judge ad hoc Mampuya;

AGAINST: Judge ad hoc Mahiou.

124. Judge ad hoc MAHIOU appended a declaration to the Judgment of the Court; Judge ad hoc MAMPUYA appended a separate opinion to the Judgment of the Court.

125. By an Order of 27 June 2007, the Court fixed 27 March 2008 as the time-limit for the filing of a Counter-Memorial by the Democratic Republic of the Congo.

4. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)

126. On 23 June 1999 the Democratic Republic of the Congo filed an Application instituting proceedings against Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the OAU".

127. In its Application, the Democratic Republic of the Congo contended that "such armed aggression . . . ha[d] involved inter alia violation of the sovereignty and territorial integrity of the [Democratic Republic of the Congo], violations of international humanitarian law and massive human rights violations". The Democratic Republic of the Congo sought "to secure the cessation of the acts of aggression directed

against it, which constitute a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular"; it also sought

> "compensation from Uganda in respect of all acts of looting, destruction, removal of property and persons and other unlawful acts attributable to [it], in respect of which the [Democratic Republic of the Congo] reserves the right to determine at a later date the precise amount of the damage suffered, in addition to its claim for the restitution of all property removed".

128. Consequently, the Democratic Republic of the Congo requested the Court to adjudge and declare that Uganda was guilty of an act of aggression contrary to Article 2, paragraph 4, of the United Nations Charter; that it was committing repeated violations of the Geneva Convention of 1949 and the Additional Protocols of 1977 and also guilty of massive human rights violations in defiance of the most basic customary law; that more specifically, by taking forcible possession of the Inga hydroelectric dam, and deliberately and regularly causing massive electrical power cuts, Uganda had rendered itself responsible for very heavy losses of life among the 5 million inhabitants of the city of Kinshasa and the surrounding area; and that by shooting down, on 9 October 1998 at Kindu, a Boeing 727 the property of Congo Airlines, thereby causing the death of 40 civilians, Uganda had also violated certain conventions concerning international civil aviation. The Democratic Republic of the Congo further asked the Court to adjudge and declare that all Ugandan armed forces and Ugandan nationals, both natural and legal persons, should be withdrawn from Congolese territory; and that the Democratic Republic of the Congo was entitled to compensation.

129. The Democratic Republic of the Congo invoked as basis for the Court's jurisdiction the declarations whereby both States have accepted the compulsory jurisdiction of the Court in relation to any other State accepting the same obligation (Art. 36, para. 2, of the Statute of the Court).

130. The Memorial of the Democratic Republic of the Congo and the Counter-Memorial of Uganda were filed within the time-limits fixed by an Order of 21 October 1999.

131. On 19 June 2000 the Democratic Republic of the Congo filed a request for the indication of provisional measures, stating that "since 5 June [2000], the resumption of fighting between the armed troops of . . . Uganda and another foreign army ha[d] caused considerable damage to the Congo and to its population", and "these tactics ha[d] been unanimously condemned, in particular by the United Nations Security Council". By letters of the same date, the President of the Court, acting in conformity with Article 74, paragraph 4, of the Rules of Court, drew "the attention of both Parties to the need to act in such a way as to enable any Order the Court will make on the request for provisional measures to have its appropriate effects".

132. Public hearings on the request for the indication of provisional measures were held on 26 and 28 June 2000. At a public sitting held on 1 July 2000, the Court rendered its Order, by which it unanimously found that both Parties must

> "forthwith, prevent and refrain from any action, and in particular any armed action, which might prejudice the rights of the other Party in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before the Court or make it more difficult to resolve";

> "forthwith, take all measures necessary to comply with all of their obligations under international law, in particular those under the United Nations Charter and the Charter of the Organization of African Unity, and with United Nations Security Council resolution 1304 (2000) of 16 June 2000";

and

> "forthwith, take all measures necessary to ensure full respect within the zone of conflict for fundamental human rights and for the applicable provisions of humanitarian law".

133. In its Counter-Memorial, Uganda presented three counter-claims. The first concerned alleged acts of aggression against it by the Democratic Republic of the Congo; the second related to attacks on Ugandan diplomatic premises and personnel in Kinshasa and on Ugandan nationals for which the Democratic Republic of the Congo was alleged to be responsible; and the third dealt with alleged violations by the Democratic Republic of the Congo of the Lusaka Agreement. Uganda asked that the issue of reparation be reserved for a subsequent stage of the proceedings. By an Order of 29 November 2001 the Court found that the first two of the counter-claims submitted by Uganda against the Democratic Republic of the Congo were "admissible as such and [formed] part of the current proceedings", but that the third was not. In view of these findings, the Court considered it necessary for the Democratic Republic of the Congo to file a Reply and Uganda a Rejoinder, addressing the claims of both Parties, and fixed 29 May 2002 as the time-limit for the filing of the Reply and 29 November 2002 for the filing of the Rejoinder. Further, in order to ensure strict equality between the Parties, the Court reserved the right of the Democratic Republic of the Congo to present its views in writing a second time on the Ugandan counter-claims, in an additional pleading to be the subject of a subsequent Order. The Reply was filed within the time-limit fixed. By an Order of 7 November 2002, the Court extended the time-limit for the filing by Uganda of its Rejoinder and fixed 6 December 2002 as the new time-limit. The Rejoinder was filed within the time-limit as thus extended.

134. By an Order of 29 January 2003, the Court authorized the submission by the Democratic Republic of the Congo of an additional pleading relating solely to the counter-claims submitted by Uganda, and fixed 28 February 2003 as the time-limit for its filing. That written pleading was filed within the time-limit fixed.

135. Public hearings on the merits of the case were held from 11 to 29 April 2005.

136. In the Judgment which it rendered on 19 December 2005, the Court found that Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending support to irregular forces having operated on the territory of the DRC, had violated the principle of non-use of force in international relations and the principle of non-intervention; that it had violated, in the course of hostilities between Ugandan and Rwandan military forces in Kisangani, its obligations under international human rights law and international humanitarian law; that it had violated, by the conduct of its armed forces and in particular as an occupying Power in Ituri district, other obligations incumbent on it under international human rights law and international humanitarian law; and that it had violated its obligations under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of its armed forces in the territory of the DRC and by its failure to prevent such acts as an occupying Power in Ituri district. The Court also found that Uganda had not complied with the Order of the Court on provisional measures of 1 July 2000.

137. Regarding the second counter-claim submitted by Uganda, having rejected the first, the Court found that the Democratic Republic of the Congo had for its part violated obligations owed to the Republic of Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected by the said Convention.

138. The Court therefore found that the Parties were under obligation to one another to make reparation for the injury caused; it decided that, failing agreement between the Parties, the question of reparation would be

settled by the Court. It reserved for this purpose the subsequent procedure in the case. The case therefore remains pending.

5. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia and Montenegro)

139. On 2 July 1999 the Republic of Croatia instituted proceedings against Serbia and Montenegro (then known as the Federal Republic of Yugoslavia)[8] for violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide alleged to have been committed between 1991 and 1995.

140. In its Application, Croatia contended that

> "by directly controlling the activity of its armed forces, intelligence agents, and various paramilitary detachments, on the territory of . . . Croatia, in the Knin region, eastern and western Slavonia, and Dalmatia, [Serbia and Montenegro] is liable for the 'ethnic cleansing' of Croatian citizens from these areas . . . as well as extensive property destruction — and is required to provide reparation for the resulting damage".

Croatia further claims that

> "in addition, by directing, encouraging, and urging Croatian citizens of Serb ethnicity in the Knin region to evacuate the area in 1995, as . . . Croatia reasserted its legitimate governmental authority . . . [Serbia and Montenegro] engaged in conduct amounting to a second round of 'ethnic cleansing'".

141. Accordingly, Croatia requested the Court to adjudge and declare that Serbia and Montenegro "has breached its legal obligations" to Croatia under the Genocide Convention and that it

> "has an obligation to pay to . . . Croatia, in its own right and as parens patriae for its citizens, reparations for damages to persons and property, as well as to the Croatian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court".

142. As basis for the jurisdiction of the Court, Croatia invokes Article IX of the Genocide Convention, to which it stated that both itself and Serbia and Montenegro were parties.

143. On 14 March 2001, within the time-limit as extended by the Court, Croatia filed its Memorial. On 11 September 2002, within the extended time-limit for the filing of its Counter-Memorial, Serbia and Montenegro filed certain preliminary objections to jurisdiction and admissibility. The proceedings on the merits were accordingly suspended (Art. 79 of the Rules of Court).

144. On 25 April 2003, within the time-limit fixed by an Order of the Court of 14 November 2002, Croatia filed a written statement of its observations and submissions on the preliminary objections raised by Serbia and Montenegro. The case is therefore ready for hearing on the preliminary objections.

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[8] See note 2 above.

6. Maritime Delimitation between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)

145. On 8 December 1999 the Republic of Nicaragua filed an Application instituting proceedings against the Republic of Honduras in respect of a dispute concerning the delimitation of the maritime zones appertaining to each of those States in the Caribbean Sea.

146. In its Application, Nicaragua stated inter alia that it had for decades "maintained the position that its maritime Caribbean border with Honduras has not been determined", whereas Honduras's position was that

> "there in fact exists a delimitation line that runs straight easterly on the parallel of latitude from the point fixed [in an Arbitral Award of 23 December 1906 made by the King of Spain concerning the land boundary between Nicaragua and Honduras, which was found valid and binding by the International Court of Justice on 18 November 1960] on the mouth of the Coco river".

According to Nicaragua, the "position adopted by Honduras . . . has brought about repeated confrontations and mutual capture of vessels of both nations in and around the general border area". Nicaragua further states that "[d]iplomatic negotiations have failed".

147. Nicaragua therefore requested the Court

> "to determine the course of the single maritime boundary between areas of territorial sea, continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Honduras, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary".

148. As basis for the Court's jurisdiction, Nicaragua invokes Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, as well as the declarations under Article 36, paragraph 2, of the Statute of the Court, by which both States have accepted the compulsory jurisdiction of the Court.

149. The Memorial of Nicaragua and the Counter-Memorial of Honduras were filed within the time-limits fixed by an Order of 21 March 2000.

150. Copies of the pleadings and documents annexed were requested by the Governments of Colombia, Jamaica and El Salvador. In accordance with Article 53, paragraph 1, of its Rules, the Court ascertained the views of the Parties and, taking account of the views expressed by them, acceded to the first two countries' requests, but not to that of the third.

151. By an Order of 13 June 2002, the Court authorized the submission of a Reply by Nicaragua and a Rejoinder by Honduras. These pleadings were filed within the prescribed time-limits.

152. Public hearings on the merits were held from 5 March 2007 to 23 March 2007. At the conclusion of the oral proceedings, the Parties presented the following final submissions to the Court:

For Nicaragua:

> "May it please the Court to adjudge and declare that:

The bisector of the lines representing the coastal fronts of the two Parties as described in the pleadings, drawn from a fixed point approximately 3 miles from the river mouth in the position 15° 02' 00" N and 83° 05' 26" W, constitutes the single maritime boundary for the purposes of the delimitation of the disputed areas of the territorial sea, exclusive economic zone and continental shelf in the region of the Nicaraguan Rise.

The starting-point of the delimitation is the thalweg of the main mouth of the river Coco such as it may be at any given moment as determined by the Award of the King of Spain of 1906.

Without prejudice to the foregoing, the Court is required to decide the question of sovereignty over the islands and cays within the area in dispute."

For Honduras:

"May it please the Court to adjudge and declare that:

1. The islands Bobel Cay, South Cay, Savanna Cay and Port Royal Cay, together with all other islands, cays, rocks, banks and reefs claimed by Nicaragua which lie north of the 15th parallel are under the sovereignty of the Republic of Honduras.

2. The starting-point of the maritime boundary to be delimited by the Court shall be a point located at 14° 59.8' N latitude, 83° 05.8' W longitude. The boundary from the point determined by the Mixed Commission in 1962 at 14° 59.8' N latitude, 83° 08.9' W longitude to the starting-point of the maritime boundary to be delimited by the Court shall be agreed between the Parties to this case on the basis of the Award of the King of Spain of 23 December 1906, which is binding upon the Parties, and taking into account the changing geographical characteristics of the mouth of the river Coco (also known as the river Segovia or Wanks).

3. East of the point at 14° 59.8' N latitude, 83° 05.8' W longitude, the single maritime boundary which divides the respective territorial seas, exclusive economic zones and continental shelves of Honduras and Nicaragua follows 14° 59.8' N latitude, as the existing maritime boundary, or an adjusted equidistance line, until the jurisdiction of a third State is reached."

153. At the time of preparation of this Report, the Court was deliberating its Judgment.

7. Territorial and Maritime Dispute (Nicaragua v. Colombia)

154. On 6 December 2001 Nicaragua filed an Application instituting proceedings against Colombia in respect of a dispute concerning "a group of related legal issues subsisting" between the two States "concerning title to territory and maritime delimitation" in the western Caribbean.

155. In its Application, Nicaragua requested the Court to adjudge and declare:

"First, that . . . Nicaragua has sovereignty over the islands of Providencia, San Andres and Santa Catalina and all the appurtenant islands and keys, and also over the Roncador, Serrana, Serranilla and Quitasueño keys (in so far as they are capable of appropriation);

Second, in the light of the determinations concerning title requested above, the Court is asked further to determine the course of the single maritime boundary between the areas of continental shelf and exclusive economic zone appertaining respectively to Nicaragua and Colombia, in accordance with equitable principles and relevant circumstances recognized by general international law as applicable to such a delimitation of a single maritime boundary."

156. Nicaragua further indicated that it "reserves the right to claim compensation for elements of unjust enrichment consequent upon Colombian possession of the Islands of San Andres and Providencia as well as the keys and maritime spaces up to the 82 meridian, in the absence of lawful title". It also "reserves the right to claim compensation for interference with fishing vessels of Nicaraguan nationality or vessels licensed by Nicaragua".

157. As basis for the Court's jurisdiction, Nicaragua invokes Article 36, paragraph 2, of the Statute of the Court and Article XXXI of the American Treaty on Pacific Settlement (officially known as the "Pact of Bogotá"), signed on 30 April 1948, to which both Nicaragua and Colombia are parties.

158. By an Order of 26 February 2002, the Court fixed 28 April 2003 and 28 June 2004 as the time-limits for the filing of a Memorial by Nicaragua and of a Counter-Memorial by Colombia. The Memorial of Nicaragua was filed within the time-limit thus fixed.

159. Copies of the pleadings and documents annexed were requested by the Governments of Honduras, Jamaica, Chile, Peru, Ecuador and Venezuela by virtue of Article 53, paragraph 1, of the Rules of Court. Pursuant to that same provision, the Court after ascertaining the views of the Parties, acceded to those requests.

160. On 21 July 2003, within the time-limit for the submission of its Counter-Memorial, Colombia filed preliminary objections to the jurisdiction of the Court. The proceedings on the merits were accordingly suspended (Rules, Art. 79). Within the time-limit of 26 January 2004, as fixed by the Court in its Order of 24 September 2003, Nicaragua filed a written statement of its observations and submissions on the preliminary objections raised by Colombia.

161. Public hearings were held on the preliminary objections from 4 to 8 June 2007. At the conclusion of those hearings, the Parties presented the following final submissions to the Court.

For Colombia:

"Pursuant to Article 60 of the Rules of Court, having regard to Colombia's pleadings, written and oral, Colombia respectfully requests the Court to adjudge and declare that:

(1) under the Pact of Bogotá, and in particular in pursuance of Articles VI and XXXIV, the Court declares itself to be without jurisdiction to hear the controversy submitted to it by Nicaragua under Article XXXI, and declares that controversy ended;

(2) under Article 36, paragraph 2, of the Statute of the Court, the Court has no jurisdiction to entertain Nicaragua's Application; and that

(3) Nicaragua's Application is dismissed."

For Nicaragua:

"In accordance with Article 60 of the Rules of Court and having regard to the pleadings, written and oral, the Republic of Nicaragua respectfully requests to the Court, to adjudge and declare that:

1. The Preliminary Objections submitted by the Republic of Colombia, both in respect of the jurisdiction based upon the Pact of Bogotá, and in respect of the jurisdiction based upon Article 36, paragraph 2, of the Statute of the Court, are invalid.

2. In the alternative, the Court is requested to adjudge and declare, in accordance with the provisions of Article 79, paragraph 7, of the Rules of Court that the Objections submitted by the Republic of Colombia do not have an exclusively preliminary character.

3. In addition, the Republic of Nicaragua requests the Court to reject the request of the Republic of Colombia to declare the controversy submitted to it by Nicaragua under Article XXXI of the Pact of Bogotá 'ended', in accordance with Articles VI and XXXIV of the same instrument.

4. Any other matters not explicitly dealt with in the foregoing Written Statement and oral pleadings, are expressly reserved for the merits phase of this proceeding."

162. At the time of preparation of this Report, the Court was deliberating its Judgment.

8. Certain Criminal Proceedings in France (Republic of the Congo v. France)

163. On 9 December 2002, the Republic of the Congo filed an Application instituting proceedings against France seeking the annulment of the investigation and prosecution measures taken by the French judicial authorities further to a complaint for crimes against humanity and torture filed by various associations against the President of the Republic of the Congo, Mr. Denis Sassou Nguesso, the Congolese Minister of the Interior, Mr. Pierre Oba, and other individuals including General Norbert Dabira, Inspector-General of the Congolese Armed Forces. The Application further stated that, in connection with these proceedings, an investigating judge of the Meaux Tribunal de grande instance had issued a warrant for the President of the Republic of the Congo to be examined as witness.

164. The Republic of the Congo contends that, by "attributing to itself universal jurisdiction in criminal matters and by arrogating to itself the power to prosecute and try the Minister of the Interior of a foreign State for crimes allegedly committed by him in connection with the exercise of his powers for the maintenance of public order in his country", France violated "the principle that a State may not, in breach of the principle of sovereign equality among all Members of the United Nations . . . exercise its authority on the territory of another State". The Republic of the Congo further submitted that, in issuing a warrant instructing police officers to examine the President of the Republic of the Congo as witness in the case, France violated "the criminal immunity of a foreign Head of State, an international customary rule recognized by the jurisprudence of the Court".

165. In its Application, the Republic of the Congo indicated that it sought to found the jurisdiction of the Court, pursuant to Article 38, paragraph 5, of the Rules of Court, "on the consent of the French Republic,

which will certainly be given". In accordance with this provision, the Application by the Republic of the Congo was transmitted to the French Government and no further action was taken in the proceedings at that stage.

166. By a letter dated 8 April 2003 and received on 11 April 2003 in the Registry, the French Republic stated that it "consent[ed] to the jurisdiction of the Court to entertain the Application pursuant to Article 38, paragraph 5". This consent made it possible to enter the case in the Court's List and to open the proceedings. In its letter, France added that its consent to the Court's jurisdiction applied strictly within the limits "of the claims formulated by the Republic of the Congo" and that "Article 2 of the Treaty of Co-operation signed on 1 January 1974 by the French Republic and the People's Republic of the Congo, to which the latter refers in its Application, does not constitute a basis of jurisdiction for the Court in the present case".

167. The Application of the Republic of the Congo was accompanied by a request for the indication of a provisional measure "seek[ing] an order for the immediate suspension of the proceedings being conducted by the investigating judge of the Meaux Tribunal de grande instance".

168. Public hearings were held on the request for the indication of a provisional measure from 28 to 29 April 2003. In its Order of 17 June 2003, the Court declared that the circumstances, as they presented themselves to it, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

169. The Memorial of the Republic of the Congo and the Counter-Memorial of France were filed within the time-limits fixed by the Order of 11 July 2003.

170. By an Order of 17 June 2004, the Court, taking account of the agreement of the Parties and of the particular circumstances of the case, authorized the submission of a Reply by the Republic of the Congo and a Rejoinder by France, and fixed the time-limits for the filing of those pleadings. Following four successive requests for extensions to the time-limit for filing the Reply, the President of the Court fixed the time-limits for the filing of the Reply by the Republic of the Congo and the Rejoinder by France as 11 July 2006 and 11 August 2008 respectively. The Reply of the Republic of Congo was duly filed within the time limit thus extended.

9. Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)

171. On 24 July 2003 Malaysia and Singapore jointly notified the Court of a Special Agreement, which was signed between them on 6 February 2003 at Putrajaya and entered into force on 9 May 2003.

In Article 2 of that Special Agreement, the parties requested the Court

"to determine whether sovereignty over:

(a) Pedra Branca/Pulau Batu Puteh;

(b) Middle Rocks;

(c) South Ledge,

belongs to Malaysia or the Republic of Singapore".

In Article 6, the Parties "agree to accept the Judgment of the Court . . . as final and binding upon them".

The Parties further set out their views on the procedure to be followed.

172. By an Order of 1 September 2003, the President of the Court, taking into account the provisions of Article 4 of the Special Agreement, fixed 25 March 2004 and 25 January 2005 as respective time-limits for the filing by each of the Parties of a Memorial and a Counter-Memorial. The Memorials and Counter-Memorials were duly filed within the time-limits fixed.

173. By an Order of 1 February 2005, the Court, taking into account the provisions of the Special Agreement, fixed 25 November 2005 as the time-limit for the filing of a Reply by each of the Parties. The Replies were duly filed within the time-limit fixed.

174. By a joint letter of 23 January 2006 the Parties informed the Court that they had agreed that there was no need for an exchange of Rejoinders in the case. The Court itself subsequently decided that no further pleadings were necessary, and that the written proceedings were accordingly now closed.

175. The Court has set 6 November 2007 as the date for the opening of hearings in the case.

10. Maritime delimitation in the Black Sea (Romania v. Ukraine)

176. On 16 September 2004, Romania filed an Application instituting proceedings against Ukraine in respect of a dispute concerning "the establishment of a single maritime boundary between the two States in the Black Sea, thereby delimiting the continental shelf and the exclusive economic zones appertaining to them."

177. In its Application Romania explained that, "following a complex process of negotiations", Ukraine and itself signed on 2 June 1997 a Treaty on Relations of Co-operation and Good-Neighbourliness, and concluded an Additional Agreement by exchange of letters between their respective Ministers for Foreign Affairs. Both instruments entered into force on 22 October 1997. By these agreements, "the two States assumed the obligation to conclude a Treaty on the State Border Régime between them, as well as an Agreement for the delimitation of the continental shelf and the exclusive economic zones . . . in the Black Sea". At the same time, "the Additional Agreement provided for the principles to be applied in the delimitation of the above-mentioned areas, and set out the commitment of the two countries that the dispute could be submitted to the ICJ, subject to the fulfilment of certain conditions". Between 1998 and 2004, 24 rounds of negotiations were held. However, according to Romania, "no result was obtained and an agreed delimitation of the maritime areas in the Black Sea was not accomplished". Romania brought the matter before the Court "in order to avoid the indefinite prolongation of discussions that, in [its] opinion, obviously cannot lead to any outcome".

178. Romania requested the Court "to draw in accordance with international law, and specifically the criteria laid down in Article 4 of the Additional Agreement, a single maritime boundary between the continental shelf and the exclusive economic zone of the two States in the Black Sea".

179. As basis for the Court's jurisdiction Romania invoked Article 4 (h) of the Additional Agreement, which provides:

> "If these negotiations [referred to above] shall not determine the conclusion of the above-mentioned agreement [on the delimitation of the continental shelf and the exclusive

economic zones in the Black Sea] in a reasonable period of time, but not later than two years since their initiation, the Government of Romania and the Government of Ukraine have agreed that the problem of delimitation of the continental shelf and the exclusive economic zones shall be solved by the UN International Court of Justice, at the request of any of the parties, provided that the Treaty on the regime of the State border between Romania and Ukraine has entered into force. However, should the International Court of Justice consider that the delay of the entering into force of the Treaty on the regime of the State border is the result of the other Party's fault, it may examine the request concerning the delimitation of the continental shelf and the exclusive economic zones before the entering into force of this Treaty."

180. Romania contends that the two conditions set out in Article 4 (h) of the Additional Agreement had been fulfilled, since the negotiations had by far exceeded two years and the Treaty on the Romanian-Ukrainian State Border Régime had entered into force on 27 May 2004.

181. In its Application Romania further provided an overview of the applicable law for solving the dispute, citing a number of provisions of the Additional Agreement of 1997, as well as the 1982 Montego Bay United Nations Convention on the Law of the Sea, to which both Ukraine and Romania were parties, together with other relevant instruments binding the two countries.

182. The Memorial of Romania and the Counter-Memorial of Ukraine were filed within the time-limits fixed by the Order of 19 November 2004.

183. By Order of 30 June 2006 the Court authorized the filing of a Reply by Romania and a Rejoinder by Ukraine and fixed 22 December 2006 and 15 June 2007 as respective time-limits for the filing of these pleadings. Romania filed its Reply within the time-limit set. By an Order of 8 June 2007, the Court extended to 6 July 2007 the time-limit for the filing of the Rejoinder by Ukraine. The Rejoinder was duly filed within the time-limit thus extended. The case is therefore ready for hearing.

11. Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)

184. On 29 September 2005 Costa Rica filed an Application instituting proceedings against Nicaragua in a dispute concerning the navigational and related rights of Costa Rica on the San Juan River.

185. In its Application Costa Rica stated that it sought "the cessation of the [Nicaraguan] conduct which prevents the free and full exercise and enjoyment of the rights that Costa Rica possesses on the San Juan River, and which also prevents Costa Rica from fulfilling its responsibilities" under certain agreements between itself and Nicaragua. Costa Rica further requested the Court to determine the reparation which must be made by Nicaragua. Costa Rica contended that "Nicaragua has — in particular since the late 1990s — imposed a number of restrictions on the navigation of Costa Rica's boats and their passengers on the San Juan River", in violation of "Article VI of the Treaty of Limits [signed in 1858 between Costa Rica and Nicaragua, which] granted to Nicaragua sovereignty over the waters of the San Juan River, recognizing at the same time important rights to Costa Rica". Costa Rica maintains that these rights were confirmed and interpreted by an arbitral award issued by the President of the United States of America, Mr. Grover Cleveland, on 28 March 1888, and by a judgment of the Central American Court of Justice of 1916, as well as by the "Agreement Supplementary to Article IV of the [1949] Pact of Amity". Costa Rica further contends that "these restrictions are of a continuing character".

186. As basis of jurisdiction Costa Rica invokes the declarations of acceptance of the Court's jurisdiction made by the Parties under Article 36, paragraph 2, of the Statute, as well as the Tovar-Caldera Agreement signed between the Parties on 26 September 2002. Costa Rica also relies on Article 36, paragraph 1, of the Statute of the Court by virtue of the operation of Article XXXI of the "Pact of Bogotá" of 13 April 1948.

187. Costa Rica filed its Memorial and Nicaragua its Counter-Memorial within the time-limits fixed by the Order of 29 November 2005.

188. Copies of the pleadings and documents annexed were requested by the Government of Colombia. Pursuant to Article 53, paragraph 1, of the Rules of Court, after ascertaining the views of the Parties and taking account of the views expressed by them, the Court decided not to accede to that request for the time being.

12. Pulp Mills on the River Uruguay (Argentina v. Uruguay)

189. On 4 May 2006 Argentina filed an Application instituting proceedings against Uruguay concerning alleged breaches by Uruguay of obligations incumbent upon it under the Statute of the River Uruguay, a treaty signed between the two States on 26 February 1975 (hereinafter "the 1975 Statute") for the purpose of establishing the joint machinery necessary for the optimum and rational utilization of that part of the river which constitutes their joint boundary.

190. In its Application Argentina charged the Government of Uruguay with having unilaterally authorized the construction of two pulp mills on the River Uruguay without complying with the obligatory prior notification and consultation procedures under the Statute. Argentina claims that these mills pose a threat to the river and its environment, are likely to impair the quality of the river's waters and to cause significant transboundary damage to Argentina.

191. As basis for the Court's jurisdiction, Argentina cites the first paragraph of Article 60 of the 1975 Statute, which provides that any dispute concerning the interpretation or application of that Statute which cannot be settled by direct negotiations may be submitted by either party to the Court.

192. Argentina's Application was accompanied by a request for the indication of provisional measures, whereby Argentina asked that Uruguay be ordered to suspend the authorizations for construction of the mills and all building works pending a final decision by the Court, and to co-operate with Argentina with a view to protecting and conserving the aquatic environment of the River Uruguay, as well as to refrain from taking any further unilateral action with respect to construction of the two mills incompatible with the 1975 Statute, and from any other action which might aggravate the dispute or render its settlement more difficult.

193. Public hearings were held on the request for the indication of provisional measures on 8 and 9 June 2006, and on 13 July 2006, at a public sitting, the President of the Court read an Order whereby the Court found that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

194. On 29 November 2006, Uruguay in turn submitted a request for the indication of provisional measures on the ground that, from 20 November 2006, organized groups of Argentine citizens had blockaded a "vital international bridge", that this action was causing it considerable economic prejudice and that Argentina had taken no action to end the blockade. Concluding its request, Uruguay requested the Court to order Argentina to take "all reasonable and appropriate steps . . . to prevent or end the interruption of transit between Uruguay and Argentina, including the blockading of bridges or roads between the two States"; to abstain "from

any measure that might aggravate, extend or make more difficult the settlement of this dispute" and, finally, to abstain "from any other measure which might prejudice the rights of Uruguay in dispute before the Court". Public hearings were held on 18 and 19 December 2006 on the request for the indication of provisional measures and on 23 January 2007, at a public sitting, the President of the Court read an Order whereby the Court found that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

195. Argentina filed its Memorial and Uruguay its Counter-Memorial (20 July 2007) within the time-limits fixed by the Order of 13 July 2006.

13. Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France)

196. On 9 January 2006 the Republic of Djibouti filed an Application instituting proceedings against France concerning "the refusal by the French governmental and judicial authorities to execute an international letter rogatory regarding the transmission to the judicial authorities in Djibouti of the record relating to the investigation in the Case against X for the murder of Bernard Borrel". Djibouti maintains that the refusal constitutes a violation of France's international obligations under the Treaty of Friendship and Co-operation signed by the two States on 27 June 1977 and the Convention on Mutual Assistance in Criminal Matters between France and Djibouti, dated 27 September 1986. Djibouti further asserts that, in summoning certain internationally protected nationals of Djibouti, including the Head of State, as témoins assistés [legally represented witnesses] in connection with a criminal complaint for subornation of perjury against X in the Borrel case, France has violated its obligation to prevent attacks on the person, freedom or dignity of persons enjoying such protection.

197. In its Application, the Republic of Djibouti stated that it intended to found the jurisdiction of the Court on Article 38, paragraph 5, of the Rules of Court, adding that it was "confident that the French Republic w[ould] agree to submit to the jurisdiction of the Court to settle the present dispute". In accordance with that Article, the Application by the Republic of Djibouti was transmitted to the French Government.

198. In a letter dated 25 July 2006, the French Republic specified that it "consent[ed] to the Court's jurisdiction to entertain the Application pursuant to, and solely on the basis of, said Article 38, paragraph 5". That consent made it possible to enter the case in the Court's List and to open the proceedings.

199. By Order of 15 November 2006, the Court fixed the time-limits for the filing of a Memorial by Djibouti and a Counter-Memorial by France. Those pleadings were submitted within the time-limits thus fixed.

B. Amendment and Adoption of Practice Directions

200. As part of the ongoing review of its procedures and working methods, the Court revised Practice Directions IX and XI and adopted new Practice Directions IXbis and IXter at the end of 2006. It should be noted that Practice Directions, first adopted in October 2001, involve no alteration to the Rules of Court, but are additional thereto.

201. As amended, paragraph 2 of Practice Direction IX is intended as a reminder that a party wishing to produce new documents after the closure of the written proceedings, including during the oral proceedings, must follow the procedure set out in Article 56, paragraphs 1 and 2, of the Rules of the Court; the provisions of paragraphs 1 to 3 of Article 56 are supplemented by Practice Direction IX. Practice Direction IXbis provides the parties with guidance concerning their entitlement under Article 56, paragraph 4, of the Rules to refer

during oral proceedings to the contents of a document which is "part of a publication readily available". Practice Direction IXter gives further guidance to the parties as to the preparation of "folders of documents for the convenience of the judges during oral proceedings". In Practice Direction XI, the first sentence of the previous text was deleted.

202. The full texts of revised Practice Directions IX and XI and new Practice Directions IXbis and IXter are printed below:

"Practice Direction IX

"1. The parties to proceedings before the Court should refrain from submitting new documents after the closure of the written proceedings.

"2. A party nevertheless desiring to submit a new document after the closure of the written proceedings, including during the oral proceedings, pursuant to Article 56, paragraphs 1 and 2, of the Rules, shall explain why it considers it necessary to include the document in the case file and shall indicate the reasons preventing the production of the document at an earlier stage.

"3. In the absence of consent of the other party, the Court will authorize the production of the new document only in exceptional circumstances, if it considers it necessary and if the production of the document at this stage of the proceedings appears justified to the Court.

"4. If a new document has been added to the case file under Article 56 of the Rules of Court, the other party, when commenting upon it, shall confine the introduction of any further documents to what is strictly necessary and relevant to its comments on what is contained in this new document."

"Practice Direction IXbis

"1. Any recourse to Article 56, paragraph 4, of the Rules of Court, is not to be made in such a manner as to undermine the general rule that all documents in support of a party's contentions shall be annexed to its written pleadings or produced in accordance with Article 56, paragraphs 1 and 2, of the Rules of Court.

"2. While the Court will determine, in the context of a particular case, whether a document referred to under Article 56, paragraph 4, of the Rules of Court, can be considered "part of a publication readily available", it wishes to make it clear to the parties that both of the following two criteria must be met whenever that provision is applied.

(i) First, the document should form "part of a publication", i.e. should be available in the public domain. The publication may be in any format (printed or electronic), form (physical or on-line, such as posted on the internet) or on any data medium (on paper, on digital or any other media).

(ii) Second, the requirement of a publication being "readily available" shall be assessed by reference to its accessibility to the Court as well as to the other party. Thus the publication or its relevant parts should be accessible in either of the official languages of the Court, and it should be possible to consult the publication within a reasonably short period of time. This means that a party wishing to make reference during the oral proceedings to a new document emanating from a publication which is not accessible in one of the official languages of the Court should produce a translation of that document into one of these languages certified as accurate.

"3. In order to demonstrate that a document is part of a publication readily available in conformity with paragraph 2 above and to ensure the proper administration of the judicial process, a party when referring to the contents of a document under Article 56, paragraph 4, of the Rules of Court, should give the necessary reference for the rapid consultation of the document, unless the source of the publication is well known (e.g., United Nations documents, collections of international treaties, major monographs on international law, established reference works, etc.).

"4. If during the oral proceedings a party objects to the reference by the other party to a document under Article 56, paragraph 4, of the Rules of Court, the matter shall be settled by the Court.

"5. If during the oral proceedings a party refers to a document which is part of a publication readily available, the other party shall have an opportunity of commenting upon it."

"Practice Direction IXter

"The Court has noted the practice by the parties of preparing folders of documents for the convenience of the judges during the oral proceedings. The Court invites parties to exercise restraint in this regard and recalls that the documents included in a judge's folder should be produced in accordance with Article 43 of the Statute or Article 56, paragraphs 1 and 2, of the Rules of Court. No other documents may be included in the folder except for any document which is part of a publication readily available in conformity with Practice Direction IXbis and under the conditions specified therein. In addition, parties should indicate from which annex to the written pleadings or which document produced under Article 56, paragraphs 1 and 2, of the Rules, the documents included in a judge's folder originate."

"Practice Direction XI

"In the oral pleadings on requests for the indication of provisional measures parties should limit themselves to what is relevant to the criteria for the indication of provisional measures as stipulated in the Statute, Rules and jurisprudence of the Court. They should not enter into the merits of the case beyond what is strictly necessary for that purpose."

VI. Sixtieth anniversary of the Court

203. On 4 December 2006, the United Nations General Assembly adopted resolution 61/37, entitled "Commemoration of the sixtieth anniversary of the International Court of Justice", at its 64th plenary meeting. The resolution was proposed by the Sixth Committee.

204. The text of resolution 61/37 is reproduced below.

"The General Assembly,

Mindful that, in accordance with Article 2, paragraph 3, of the Charter of the United Nations, all members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Bearing in mind the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[9] and the Manila Declaration on the Peaceful Settlement of International Disputes[10],

Recognizing the need for universal adherence to and implementation of the rule of law at both the national and international levels,

Recalling that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Noting that 2006 marks the sixtieth anniversary of the inaugural sitting of the International Court of Justice,

Noting with appreciation the special commemorative event held at The Hague in April 2006 to celebrate the anniversary,

1. Solemnly commends the International Court of Justice for the important role that it has played as the principal judicial organ of the United Nations over the past sixty years in adjudicating disputes among States, and recognizes the value of its work;

2. Expresses its appreciation to the Court for the measures adopted to operate an increased workload with maximum efficiency;

3. Stresses the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its workload;

4. Encourages States to continue considering recourse to the Court by means available under its Statute, and calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute;

[9] Resolution 2625 (XXV), Annex.
[10] Resolution 37/10, Annex.

5. Calls upon States to consider means of strengthening the Court's work, including by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice on a voluntary basis, in order to enable the Fund to carry on and to strengthen its support to the countries which submit their disputes to the Court;

6. Stresses the importance of promoting the work of the International Court of Justice, and urges that efforts be continued through available means to encourage public awareness in the teaching, study and wider dissemination of the activities of the Court in the peaceful settlement of disputes, in view of both its judiciary and advisory functions.

VII. VISITS

A. Visit of the Secretary-General of the United Nations

205. On 1 February 2007 His Excellency Mr. Ban Ki-moon, Secretary-General of the United Nations, paid a visit to the Court. He was welcomed by the President and the Members of the Court, with whom he had an exchange of views in private in the Deliberation Room of the Court.

B. Official visits of Heads of State

Visits of Their Majesties the King and Queen of Jordan

206. On 31 October 2006 Their Majesties King Abdullah II and Queen Rania of Jordan were received by the Court. At a solemn sitting held in the Great Hall of Justice and attended by the Diplomatic Corps, as well as by representatives of the Dutch authorities and of various international institutions based in The Hague, the President of the Court made a speech, to which the King of Jordan replied.

207. President Higgins observed that "throughout its history, Jordan ha[d] consistently co-operated with other States in the framework of international institutions, both globally and on a regional level". Noting that the Hashemite Kingdom is party to various human rights treaties conferring jurisdiction on the Court to settle disputes relating to their application or interpretation, she recalled the "active role" played by Jordan during the advisory procedure on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. She also praised King Abdullah II's resolve to continue "Jordan's long-standing efforts to enhance the peace process in the Middle East". Further, she paid tribute to Queen Rania's "untiring efforts as an advocate of children's and women's rights in Jordan and worldwide". The visit by the King and Queen of the Hashemite Kingdom to the Court "reflects [the] personal commitment [of Their Majesties] to justice, freedom and mutual understanding among nations. It encourages us in the accomplishment of our mission", the President added.

208. In reply, King Abdullah II stated that the Court's mission to foster "an international legal order, in the service of justice and peace . . . is ever more relevant to our global times", given "the global impact of regional conflict, the worldwide reach of economic shocks and trends, the interregional flows of people and ideas, and the whole-earth reality of environmental problems and health concerns". Referring to the situation in the Middle East, the King stated that the Court's Advisory Opinion in the Wall case had provided "for the first time in the history of this bitter dispute . . . a dispassionate legal perspective of this conflict". "The Court's Opinion speaks to the profound injustice which the Palestinian people have suffered for decades. There cannot be lasting peace until this injustice is corrected, in full accord with international legitimacy", he added. "It is an old truth: peace and respect among nations depends on trust, and trust depends on the expectation of justice. I pledge Jordan's continuing support", King Abdullah II concluded.

Visit of Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

209. On 5 February 2007 Her Majesty Queen Elizabeth II of the United Kingdom of Great Britain and Northern Ireland paid a private visit to the seat of the Court. Her Majesty was welcomed by the President and the Members of the Court, along with their spouses, with whom she conversed briefly.

210. The Queen was also presented to senior representatives of international organizations based in The Hague, as well as to certain ambassadors of those members of the Commonwealth of which she is the Head of State. Her Majesty was then shown around the Peace Palace, meeting a number of staff members of the Court's Registry. The visit was concluded with a reception in the Judges' Restaurant during which the President said a few words of appreciation.

C. Other visits

211. During the period under review the President and Court Members, as well as the Registrar and Registry staff, received a large number of visitors, including members of governments, diplomats, parliamentary delegations, presidents and members of judicial bodies, and other senior officials.

212. A noticeable trend has been requests from leading national and regional courts to come to the Court for an exchange of ideas and views, notably the French Cour de Cassation and the Commonwealth courts. For its part, the Court has initiated electronic exchanges of relevant information with a range of other courts and tribunals.

213. There were also many visits by groups of researchers, academics, lawyers and others.

VIII. ADDRESSES ON THE WORK OF THE COURT

214. During the period covered by this Report, the President of the Court, Judge Higgins, delivered a speech at the formal ceremony marking the fortieth anniversary of the T.M.C. Asser Institute in The Hague, as well as a speech at the ceremony for the tenth anniversary of the International Tribunal for the Law of the Sea (ITLOS) in Hamburg.

215. On 26 October 2006 she addressed the 41st Plenary Meeting of the Sixty-first Session of the General Assembly on the occasion of the presentation of the Court's Annual Report. On 27 October 2006, she also gave an address to the Sixth Committee of the General Assembly and was invited to speak before the United Nations Security Council during a private meeting.

216. While in New York, Judge Higgins also addressed the Asian-African Legal Consultative Organization on 20 October 2006, and delivered a speech on 23 October 2006 to the meeting of Legal Advisers of Ministries of Foreign Affairs.

217. On 26 February 2007 Judge Higgins made a statement to the press following the public reading of the Judgment of the Court in the case concerning Application of the Convention for the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro); this statement was intended as an explanatory comment on the Court's Judgment.

218. On 6 April 2007, the President of the Court delivered a speech to the inaugural session of the Asian Society of International Law in Singapore. The following week, Judge Higgins gave a series of lectures in Japan, inter alia at the United Nations University and the Universities of Kyoto and Hiroshima.

219. On 4 June 2007, at a Solemn Sitting held by the Court, the President paid tribute to the memory of Mr. Kéba Mbaye, former Judge and Vice-President of the Court, who passed away in January 2007.

220. On 10 July 2007, President Higgins addressed the members of the International Law Commission in Geneva.

IX. Publications, documents and website of the Court

221. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court, and to the major law libraries of the world. The sale of those publications is organized chiefly by the Sales and Marketing Sections of the United Nations Secretariat in New York and Geneva. A catalogue (together with a price list) published in English and French is distributed free of charge. A revised and updated version of the Catalogue will be published at the end of 2007.

222. The publications of the Court consist of several series, three of which are published annually: Reports of Judgments, Advisory Opinions and Orders (published in separate fascicles and as a bound volume), a Yearbook (in the French version: Annuaire) and a Bibliography of works and documents relating to the Court. At the time of preparation of this Report, the fascicles in the Reports series for the year 2006 have been printed. Those for the year 2007 are at various stages of production. The bound volumes of I.C.J. Reports 2004, 2005 and 2006 will appear as soon as the Indices have been printed. The I.C.J. Yearbooks 2004-2005 and 2005-2006 are in preparation. The I.C.J Bibliography No. 53 was published during the period under review.

223. The Court also prepares bilingual printed versions of the instruments instituting proceedings in a case before it (applications instituting proceedings and special agreements), as well as requests for an advisory opinion. In the period under review, the Court received one Application in the case concerning Certain Questions of Mutual Assistance in Criminal Matters (Djibouti v. France), which has been printed.

224. The written pleadings in each case (in the format in which the parties produce them) are published by the Court after the end of the proceedings, in the series Pleadings, Oral Arguments, Documents. The annexes to the pleadings and the correspondence in cases are now published only exceptionally, as far as they are essential for the understanding of the decisions taken by the Court. Several documents in this series are currently at various stages of production.

225. In the series Acts and Documents concerning the Organization of the Court, the Court also publishes the instruments governing its functioning and practice. A new edition, No. 6, which has been completely updated and includes the Practice Directions adopted by the Court, was published in the period under review. An offprint of the Rules of Court, as amended on 5 December 2000, is available in English and French. Unofficial Arabic, Chinese, German, Russian and Spanish translations of the Rules (without the amendments of 5 December 2000) are also available.

226. The Court distributes press releases, summaries of its decisions, background notes and a handbook in order to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction. The fifth edition of the handbook ("Blue Book") came out in January 2006 in the Court's two official languages, French and English. Arabic, Chinese, Russian and Spanish translations of the previous version were issued in 1990. Arabic, Chinese, Dutch, English, French, Russian and Spanish editions of a general information booklet on the Court, produced in co-operation with the Department of Public Information of the United Nations, and intended for the general public, have also been published.

227. A special Illustrated Book of the Court ("Coffee Table Book"), in French and English, appeared at the end of 2006. As well as this special publication, the Court also published in English and French, at the beginning of 2007, the proceedings of the colloquium which it organized (in association with UNITAR) on 10 and 11 April 2006 to commemorate its sixtieth anniversary.

228. In order to increase and expedite the availability of ICJ documents and reduce communication costs, the Court launched a new website on the Internet on 25 September 1997, in both English and French. After two years of hard work, the Court launched a dynamic, totally updated and expanded version of the site on 16 April 2007, containing five times more information than the previous version.

229. User-friendly, with a powerful search engine, the new site brings improved navigation and complies with international accessibility standards established for web users with visual impairments, who will thus be able to access the full range of content. The Court's entire jurisprudence since 1946 is now available online, as well as that of its predecessor, the Permanent Court of International Justice, along with the principal documents from the written and oral proceedings of various cases, press releases, some basic documents (United Nations Charter and the Statute and Rules of the Court), declarations accepting the Court's compulsory jurisdiction and a list of treaties and other agreements relating to that jurisdiction, general information on the Court's history and procedure, biographies of the judges and a catalogue of publications. The new site offers detailed information for those wishing to visit the Court, including a calendar of events and hearings, directions to the Peace Palace, and online admission forms for groups wishing to attend hearings or presentations on the activities of the Court. Vacancy announcements and summer internship opportunities will appear in the section "Employment". Moreover, a virtual "press room" has been set up, where the media can find all information necessary to cover the work of the Court and to accredit themselves for hearings. A photo gallery is permanently available, from which high-resolution digital photos can be downloaded free of charge for non-commercial use. In the future, audio and video material from hearings and readings of decisions will also be accessible. As in the past, the site is available in the two official languages of the Court, English and French. It is also now possible to navigate between the English and French versions of any document in text format simply by clicking the mouse, while remaining on the same page. Given the Court's worldwide scope and in order to enhance the global accessibility of information about it, a number of documents are now also available in the four other official languages of the United Nations: Arabic, Chinese, Russian and Spanish. The website can be visited at the following address: http://www.icj-cij.org.

230. Since March 1999 the Court has been offering individuals and institutions interested in its work an e-mail notification service for press releases posted on its website.

X. Finances of the Court

A. Method of covering expenditure

231. Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, Member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

232. Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat), bank interest, etc., are recorded as United Nations income.

B. Drafting of the budget

233. In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. This preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself.

234. When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ) and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations.

C. Financing of appropriations and accounts

235. The Registrar is responsible for executing the budget, with the assistance of the Head of the Finance Division. The Registrar has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget. He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, adopted on the recommendation of the Sub-Committee on Rationalization, the Registrar now communicates every three months a statement of accounts to the Administrative and Budgetary Committee of the Court.

236. The accounts of the Court are audited every year by the Board of Auditors appointed by the General Assembly and, periodically, by the internal auditors of the United Nations. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations.

D. Budget of the Court for the biennium 2006-2007

237. Regarding the budget for the 2006-2007 biennium, the Court is pleased to note that its two requests for new posts have been accepted. With an experienced grade P-4 official heading up its IT Department, the Court has been able to have greater recourse to new technology and implement a short, medium and long-term strategic IT plan, in line with the wishes of the General Assembly. Additionally, the Court now has a P-3 official to assist the President, who, over and above his or her judicial duties, performs a whole series of tasks of a diplomatic or administrative nature.

Budget for 2006/2007

	In US dollars
Programme: Members of the Court	
0311025 Education Grants/Travel to Court sessions/ Home leave	681,300
0311023 Pensions	2,933,800
0242504 Duty allowance: judges ad hoc	595,600
2042302 Travel on official business	44,400
0393902 Emoluments	5,151,200
	9,406,300
Programme: The Registry	
0110000 Established posts	11,970,400
0170000 Temporary posts for the biennium	2,294,900
0200000 Common staff costs	5,997,300
0211014 Representation allowance	7,200
1210000 Temporary assistance for meetings	1,576,100
1310000 General temporary assistance	154,900
1410000 Consultants	44,000
1510000 Overtime	90,900
20422302 Official travel	39,100
0454501 Hospitality	19,300
	22,194,100
Programme: Programme Support	
3030000 External Translation	273,800
3050000 Printing	693,500
3070000 Data processing services	134,900
4010000 Rental/maintenance of premises	2,522,100
4030000 Rental of furniture and equipment	42,100
4040000 Communications	343,600
4060000 Maintenance of furniture & equipment	240,800
4090000 Miscellaneous services	42,400
5000000 Supplies & materials	264,100
5030000 Library books & supplies	173,100
6000000 Furniture & equipment	88,900
6025041 Acquisition of office automation equipment	101,700
6025042 Replacement of office automation equipment	205,800
6040000 Replacement of Court's vehicles	57,800
	5,184,600
TOTAL	36,785,000

XI. Examination by the General Assembly of the previous Report of the Court

238. At the 41st Plenary Meeting of the Sixty-first Session of the General Assembly, held on 26 October 2006, at which the Assembly took note of the Report of the Court for the period from 1 August 2005 to 31 July 2006, the President of the Court, Judge Rosalyn Higgins, addressed the Assembly on the role and functioning of the Court (A/61/PV.41).

239. In her address President Higgins explained that the aim of the Court was "to increase further [its] throughput in the coming year". "To this end, the Court has agreed for next year upon a very full schedule of hearings and deliberations, with more than one case being in progress at all times", she noted. Anxious that the Court should provide "its judgments in a timely fashion", President Higgins called upon the General Assembly to approve the creation of nine P-2 law clerk posts so that the judges would have the appropriate assistance. "It is astounding that the International Court is the only senior international court without this form of assistance", its President said, warning that if the Court, "as the principal judicial organ of the United Nations, is denied what is routinely accorded to every other senior court," it "quite simply [could] no longer provide the service that Member States bringing cases desire".

Review of the previous judicial year

240. The President of the Court recalled that from 1 August 2005 to 31 July 2006, the Court had been seized of three new cases, it had made an order with respect to a request for indication of provisional measures, held public hearings in two cases, and rendered judgments in two further cases. According to the President, the cases concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) and the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) had been "exceptionally heavy, legally speaking, and complex in a variety of ways. Several 'cases' [we]re contained within each head case". President Higgins said that the latter case, "had required public hearings that stretched over two and a half months", during which the Court had heard witness testimony for the first time since 1991.

Growing interest in international humanitarian law and environmental law

241. Referring to the diversity of the disputes submitted to the Court, its President noted the growing interest of States in issues relating to human rights, international humanitarian law, and environmental law. In that connection, President Higgins indicated that as it was now so clear that States understandably saw environmental law as part of international law as a whole, and given that no use had been made of the separate Chamber for Environmental Matters, no elections had been held for the Bench for this Chamber. However, parties would always be able to request a chamber under Article 26, paragraph 2, of the Statute of the Court.

A sixtieth anniversary as a time for reflection

242. The President recalled that the Court was celebrating its sixtieth anniversary that year, an event which provided an occasion for it to reflect on its achievements. President Higgins observed that, in 1946, "the International Court stood virtually alone as the forum for the resolution of international [legal] disputes", but that meanwhile "new courts and tribunals ha[d] burgeoned, established to deal with a variety of international needs". "We are forging cordial relationships with each other," she assured, adding that it had been "gratifying for the International Court to see that these . . . courts and tribunals ha[d] regularly referred, often in a manner

essential to their legal reasoning, to judgments of the ICJ with respect to questions of international law and procedure".

243. Following the President's presentation of the Court's Report, addresses were made to the Assembly by the Representatives of Cameroon, Egypt, Finland (on behalf of the European Union), India, Japan, Madagascar, Mexico, New Zealand (on behalf of Canada, Australia and New Zealand), Nigeria, Pakistan, Peru, Poland, South Africa, Sudan, Syria and Tunisia.

244. More comprehensive information on the work of the Court during the period under review will be found in the I.C.J. Yearbook 2006-2007, which will be issued at a later date.

Rosalyn HIGGINS,
President of the International
Court of Justice.

The Hague, 1 August 2007.

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